SOCIAL CONTROL

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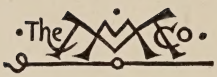

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SOCIAL CONTROL

IN ITS SOCIOLOGICAL ASPECTS

by L. L. BERNARD *WASHINGTON UNIVERSITY*

Author of "Instinct: A Study in Social Psychology," "An Introduction to Social Psychology," "Transition to an Objective Standard of Social Control," Etc.

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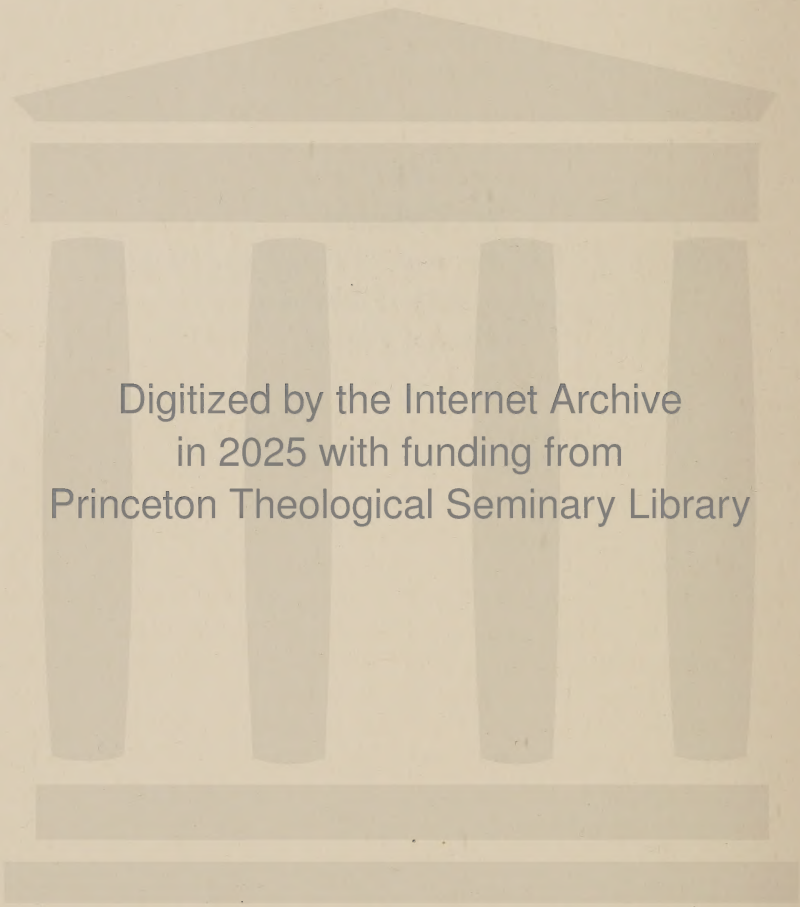
To
My Colleagues
FRANK J. BRUNO and STUART A. QUEEN
Expert in the Techniques
of Social Control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PREFACE

The present text in Social Control has been prepared from the sociological point of view. Psycho-social processes and factors are purposely subordinated to the sociological categories under which they are treated. This mode of presentation represents a departure from preceding texts, which emphasize predominantly the psycho-social techniques and processes. It is hoped that this approach will meet a recognized need. In point of fact the approach here used is somewhat wider than the strictly sociological. The author's interest in psychology and political science (he teaches Social Psychology in the former field and Social Control in the latter, as well as both of these courses in sociology) has led him to include in his text many of the more sociological aspects of political control as well as an incidental treatment of several of the psycho-social processes of social control. There is scarcely any need to apologize for this inclusiveness, since it is now a principle well recognized that some of the more fruitful work in social science lies on the borderlines of two or more of these disciplines.

Another departure emphasized in this work is in the method of presentation. An attempt has been made to combine within the limits of a text book the further advantages of a case book and a source book. The advantages of such a presentation from the standpoint of concreteness and realism will be obvious to any reader. If such a method of treatment has any disadvantage it must be found in the somewhat larger than usual size of the volume. It is hoped, however, that the size will not be considered as objectionable, since it carries in reality three modes of treatment combined in a single text book instead of extending it to three separate volumes.

It has, furthermore, been the constant aim of the author to make the subject matter as concrete and as vital as possible. To this end all abstract metaphysical discussions have been avoided. The present work has been prepared for students and every effort has been made to keep it constantly within the range of their comprehension. If as a result some instructors, who might have preferred a more abstract and philosophic treatment, are disappointed, it is hoped that they will be generous enough to remember that text books are after all for students just as monographs are for teachers. It is believed that the author's aim of making the present text as concrete and as comprehensible as a work in American Government or in Social Problems has been reasonably successful. As many current and thoroughly up-to-date cases illustrating the methods and techniques of social control

as possible have been selected for the work. This has sometimes necessitated the use of more materials from the writer's own section of the country than from other areas, simply because more local cases came to hand. This selection, however, should result in no bias or distortion of the subject matter, since the cases here utilized are of a nature common to all sections of the country. It is perhaps desirable also to state that the author has avoided any sentimental predilection in choosing his illustrative cases which might otherwise have predisposed him to omit those that are unpleasant to contemplate or but little flattering to civic pride. The sole criterion used in the selection has been to choose those cases which seemed to be genuinely representative of the social control methods of our time and thus to afford a dependable picture of our system of social controls.

The author wishes particularly to emphasize the fact that he did not first make an outline of this work and then seek for cases to illustrate the outline. The book was constructed in a wholly inductive manner. Years of reading and analysis of cases, accompanied by an experimental classification and reclassification of these cases, finally resulted in the present form. It is believed that this method of constructing the text has produced a more adequate sample of the sociological control processes than was possible by any other method.

Teachers who desire to include other aspects of Social Control — particularly those dealing with psycho-social or economic and political processes — will easily discover such other texts and combine them with the present work. This procedure is particularly recommended in courses extending beyond a single term. Numerous suggestions for further supplementary study have also been made in the Student Exercises at the ends of the several chapters of Parts II and III. Bibliographies of the most important works on Social Control have been appended to the three chapters of Part I.

The author has incurred numerous obligations in the course of the preparation of this work. He makes appreciative acknowledgment to the various authors and publishers who have granted him permission to quote materials from their publications. He is also grateful to the Federal National Youth Administration for aid in typing the manuscript and to Mrs. Libby Bass, who has read some of the galley proof. He is particularly grateful to Professor William Albig, who read the manuscript and made many useful criticisms and suggestions, and most grateful of all to Dr. Jessie Bernard, who read the manuscript entire and suggested several important changes in organization and in materials.

L. L. BERNARD

ST. LOUIS, MO.
June 6, 1939

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Part I

THE FIELDS AND METHODS OF SOCIAL CONTROL

Chapter I

THE SCIENCE OF SOCIAL CONTROL

A Subdivision of the Social Sciences. Social Control is one of the specialized disciplines of the social sciences. It may be considered either as a special subdivision of each of the major social sciences, or as a separate and derivative social science drawing much of its subject matter from these several major social sciences. Considered in the former sense, we should not necessarily regard Social Control as a science in its own right at all. As such it may be looked upon merely as an administrative aspect, or as the administrative theory, of each general social science, such as political science, jurisprudence, economics and business, sociology and social work, education, and social ethics. Considered as the theory of administration or of enforcement or of practical application in each of these social sciences, it will be found to have various degrees of importance. In political science and jurisprudence the social control or applicational aspect looms very large indeed. The problems of government and of the application and enforcement of the laws constitute a very large part of the subject matter of these two major social sciences. In economics and sociology, and especially in their derivative social technologies of business and social work, the control or applicational problem of directing the behavior of people according to the principles of the science, is also very important.

But in education and social ethics the problem of knowledge — also basic in the other social sciences mentioned — now becomes overwhelmingly important. This is because education, as the science has been developed in our culture, is much more concerned with the imparting and communication of fact than it is with motivation to action. The same is true also of social ethics considered as a social science. It is conceivable, however, that both of these sciences might become more concerned with motivation — and therefore with characteristic aspects of social control — than with the knowledge factor. As the result of such a transformation they would be changed from essentially pure sciences into social technologies. In fact, all of those special social sciences mentioned above that have developed a large social control or administrative element in their theory have done so in their technological rather than in their pure science aspects. Thus political science has developed its social control theory mainly in connection with its tech-

nological theories of government and administration. Jurisprudence deals with problems of social control largely in connection with its technological aspects of penal administration. Business administration and social work as academic subjects are of course social technologies growing mainly out of economics and sociology respectively. These technological subjects, rather than their pure science correlates, economics and sociology, are primarily concerned with social control problems within these latter fields.

Social Control as an Independent Special Social Science. In the early stages of its development, the theory of social control grew up very much in the manner and with the connections described above. Social Control was not regarded as a separate body of knowledge which constituted an independent social science, but — in so far as it was thought of separately at all — was considered severally as so many aspects of the administrative problems of the general social sciences. But as civilized man became actively aware of the highly developed social control devices used to direct or regiment and motivate him, and as he began to study these devices critically and to try to understand them in order to perfect and improve or mitigate their application — as the need might be — these control devices began to be assembled and classified into a separate body of knowledge characterized by its peculiar social control significance.

Just as the social sciences were slower to develop than the physical and biological sciences, so also did man become acutely and critically aware of the control processes in society only after he had learned to recognize and analyze the various forms of human association. Scientifically integrated knowledge of social morphology or of organizational forms, preceded in the main the integration of scientific or tested knowledge of social functioning, and especially of the higher or social control functions. This was to be expected, since relatively fixed relations (morphology) in society are more easily perceived than highly shifting functional relations. Relations involved in social control are among the most shifting of all functional social relations, because the exigencies of social control in practice make necessary the constant shifting of motivation and the manipulation of force and other techniques of social control. Thus the scientific study of Social Organization developed integration before the study of Social Control was undertaken on a scientific basis. The forms of government, of law, of the family and other social institutions, of business enterprise, of educational endeavor, and of moral principles, were known and studied before the methods by which these forms are kept intact and integrated (the social controls) were well understood even by the seers and the prophets and the philosophers.

How and Why a Science of Social Control Appeared. But the practical and empirical devices of social control (such as the use of intimidation, fraud, advertising, propaganda, rewards, etc.) have multiplied voluminously in our highly complex modern society and have even become a threat to public and individual welfare and safety if left unregulated. This situation has in recent decades caused study and analysis to be applied with energy to this field of behavior. New investigations have been made and the old knowledge of this sort existing in the special social sciences, as indicated above, has been drawn upon. From all sources a large body of data has been assembled and integrated into a new and independent special social science.

This organization of the data of social control into a new special science is a phase or outgrowth of the increasing comity of the social sciences resulting from the overlapping of their fields and functions. The problems of social organization and of social control as presented in the various general social sciences are after all very similar at a majority of points. Force is the same whether applied in the control of legal, governmental, economic, or domestic relations. Propaganda also is not necessarily of different brands when treated in the several social sciences. Even the purposes for which force, intrigue, exploitation, magic, or persuasion may be used are generally quite similar whether the application occurs in economic, political, religious, or family relations. Hence the desirability, even the necessity, of the assemblage of the data relative to social control in one single body of knowledge and the organization of it into a separate and independent special social science. This knowledge is thus rendered all the more convenient for use in social control situations. Such an integration or organization of data also makes it easier to set problems of investigation in the field of Social Control.

The first separate treatise on Social Control, a volume by that title by E. A. Ross, appeared in 1901. Since then there has been a gradual growth of the literature in this field. At the present time there are still very few general works bearing the title *Social Control*, but there are many specialized treatises covering different aspects of the subject, such as propaganda, public opinion, advertising, salesmanship, personnel work, management (in various fields), and suggestion.

The Classification of Social Control. As an independent special social science, Social Control could be classified under any of the general social sciences mentioned above, that is, as a special political, juristic, economic, sociological, educational, or ethical science. But ordinarily it would be regarded as primarily within the scope of sociology, although law and political science must necessarily be recognized as having strong claims upon it. It is because of its generality or inclusiveness

that Social Control might properly and preferably be assigned to the sociological category of science rather than to that of any other general social science. It includes within its subject matter data covering all types of social relationships, and it embraces the techniques used in all aspects of social control. This fact gives greater reality to the claims of sociology than to those of any other general social science to this special field of knowledge.

It may be asked why a new special science which has been integrated and organized in large part out of data borrowed from each of the general social sciences should, when it secures its independence as a separate science, be reclassified as a sub-science or special science under the aegis of any one of these general social sciences. Why does not its separate organization entitle it to an entirely independent existence as a major or general social science? The only alternative to classifying Social Control as a sub-science under one of the major social sciences is to raise it to the independent rank of a general or major social science. This does not seem to be possible or desirable at the present time, and it may never be desirable. As yet, it is too new and too little recognized, and perhaps even too little esteemed generally, to carry off such honors without dispute. There is much prejudice against the recognition of any new and independent science on the part of the adherents of the old sciences from which it sprang. These adherents are jealous of any threat to the power and prestige of the older sciences from the profession of which they gain their bread and butter or to which their emotions are attached. This fact is illustrated by the attitudes still expressed by psychologists and sociologists of the orthodox persuasions toward social psychology, which sprang originally and in the main from these two general sciences. The arguments usually made against the recognition of a newly integrated science is that it lacks definiteness and integrity (is a "hodge-podge"), that it has borrowed much or most of its data from other (the parent) sciences, that it lacks adequate methods of investigation of its own, or that it is a "fly-by-night" and obnoxious interloper or "social climber" among the sciences. Such criticisms, however, do no permanent harm to any new science if it is able to perform a function which other sciences cannot render as well. But to attempt to give a new science like Social Control general or major rank is another type of proposition, however useful its services may be. For the present, therefore, it seems best to classify Social Control as a special sociological science or sub-science.

It is possible also to classify a large phase of the science of Social Control as a special phase of social psychology, or at least of collective psychology. That portion of Social Control which deals with symbolic control techniques and with social attitudes and the psycho-social

environmental conditions or conditioners of behavior may be said properly to belong under the general category of social psychology.

The Divisions of Social Control. We now turn from the problem of the classification of Social Control with reference to the other social sciences, to a closely related problem, that of the divisions or subdivisions of the special science of Social Control. It is not a simple social science. Like most other social sciences, general or special, it has various component subdivisions which might or may themselves sometimes split off into separate specialized social sciences. Some of these specialized social sciences are perhaps sociological in character; others are perhaps political, economic, ethical, educational, and the like; and others still are socio-psychological. This diversity of the subject matter of Social Control results in part from the diversity of the origins of its constituent data, coming as they did originally in large part from various other social sciences. But even more, this dissimilarity of content springs from the variety of forces or other controls brought to bear upon individuals and groups in the social control process. The diversity of both the subject matter and the sources of the controls may be illustrated by the following abbreviated outline statement of the field of Social Control as it is now constituted.

I. The Conditioning Factors in Social Control
  1. The objective conditioning factors, consisting of
    (1) The natural environment
      a. Inorganic conditioning factors, such as
        (*a*) Cosmic processes, including the position of the earth in the solar system, and the influence of the sun's rays, the inclination of the earth's axis and its influence on seasons, etc.
        (*b*) Climatic factors, including temperature, seasons, humidity, climatic zones, climatic areas, etc.
        (*c*) Topographic or geographic factors, including contour and surface, location, altitude, distance, etc.
        (*d*) Inorganic resources, such as soil, metals and minerals, water, wind, etc.
      b. Organic conditioning factors, such as germ life, fungi, insect pests, the larger fauna and flora, etc.
    (2) The cultural environment
      a. The physico-cultural environment of physical and mechanical inventions and constructions.
      b. The bio-cultural environment, consisting of domesticated or trained plants and animals.
      c. The psycho-cultural or symbolic cultural environment.

d. The derivative control or institutional social environment.

2. The subjective conditioning factors, consisting of the various types of social attitudes which have been built up in the individual and predispose him to certain types of responses rather than to other types. These attitudes are too numerous and diverse to be classified here, and it is not necessary to enumerate them, since this phase of the subject will not be treated in this work.

II. The Techniques of Social Control

1. Force and manipulative techniques, including various types of violence, intimidation, exploitation backed up by force, fraud, intrigue, deception, revolution, non-violent coercion, regimentation and standardization, and the appeal to the supernatural, to moral principles, to custom, to law and the principles of justice, and to government and public opinion. These are the techniques which are treated in this volume and the description of their application to the problem of social control is primarily sociological as distinguished from the socio-psychological or psycho-social, the characterization of which subject matter follows immediately.

2. Symbolic techniques, including both

(1) *The non-rational symbolic techniques,* concentrating especially upon persuasion and propaganda in various forms. These non-rational symbolic controls are constantly assumed and referred to and illustrated in this volume. They are the constant background of the sociological processes of social control. They are in large part the methods or means by which the sociological processes are made to operate, especially as control by means of force and violence gives way to control by symbolic methods or techniques in our civilization. But, since we are here concentrating on the sociological processes in social control rather than upon the psycho-social processes, the non-rational symbolic techniques are not treated systematically in the present volume.

(2) *The rational symbolic techniques,* making use primarily of science and education instead of propaganda. The description of the application of the symbolic social control techniques falls primarily within the field of collective psychology and will not be treated in detail in this volume as psychological techniques. But considerable attention will be given to them as sociological processes in Part III,

where rational control through religion, ethics, legislation, social reform, and education is emphasized. As psychological techniques they are treated incidentally and inferentially in this volume, not because as such they are unimportant, but because (*a*) space does not permit both the psychological and the sociological processes to be treated adequately in the same volume, and (*b*) it seems best to specialize on the sociological processes, since this aspect of social control hitherto has been unduly slighted. However, the psychological techniques, both rational and non-rational, are constantly in evidence, even when not emphasized.

III. Social Planning may also be regarded as a field of social control, since it aims at the reorganization of society on a rational control basis. This phase of the subject grows primarily out of the field of rational symbolic control and makes use of the rational symbolic techniques in the main, although it may employ incidentally any type of techniques for scientifically determined ends and will inevitably be limited by both the objective and subjective conditioning factors outlined above.

Distribution of the Field. It will be observed from the study of the above abbreviated classification of the several subject matters of the science of Social Control that the subject is a complex and voluminous one. The category I, 1, ranges from physical to sociological factors, including some social-psychological processes. Category II, 1, is almost purely sociological, and is therefore chosen as the subject matter of this book. Category II, 2, is again socio-psychological. And Category III involves most or perhaps all of the social sciences and social technologies. As yet social planning falls more nearly in the field of social technology than in that of pure social science, although it must constantly draw upon the pure social sciences. Indeed, Social Planning might properly be regarded as the technological correlate of a pure or theoretical science of Social Control, just as Government and Administration may be considered as the technological correlates of theoretical Political Science; Social Work, of Sociology; and Penal and Civil Administration, of Jurisprudence, at least in part. But, of course, all technologies may in time develop pure science aspects of their own, if they need to do so.

The Current Usage. Although the above analysis of the field of Social Control constitutes an ideal or hypothetical statement of its content, the present usage as far as text books and treatises are concerned is somewhat different. As yet no treatise covering the classifi-

cation Category I, 1, has ever been written, although the subject has been outlined, as will appear from citations in the bibliography at the end of this chapter. When such a treatise appears it will probably be entitled the Science of the Environment or the Science of the Human Environment, and will treat of the influence of both the natural and the cultural environments in shaping or conditioning human behavior and personality. Something roughly corresponding to Category I, 2, has already appeared in the form of a published work covering the subject of social attitudes; but as yet there is no systematic treatise in this field. For nearly two hundred years the writers on ethics and the emotions have made significant contributions to this subject of social attitudes, and several works covering various aspects of the subject have appeared, but as yet they have not gone as far as to present a systematic treatise on the field as a whole. Nor has there been any more active realization of the significance of the subject of social attitudes for the field of Social Control than that the study of the environment is a necessary aspect of this same subject.

The Chief Emphasis So Far. So far, the avowed works on Social Control, although not numerous, have concentrated mainly within the limits of Category II, 2, as outlined above. These works therefore fall within the limits of psycho-social control, or the science of Social Control treated as a phase of collective psychology. This narrow limitation of the subject is no doubt due in large part to the brevity of its history on the one hand and to the accident of the origin of the subject on the other hand. Having been originated, or at least named, by a collective psychologist, E. A. Ross, it has kept pretty much the slant which he gave it in the first place. Subsequent writers in the field, and especially F. E. Lumley, an active contemporary exponent of the subject, have generally followed Professor Ross. Only two noteworthy differences between the pattern constructed by Ross and the current pattern in this field are to be noted. Professor Ross, following the French cultural sociologists and collective psychologists in the main, drew his data for a science of Social Control primarily from culture history. The contemporary writers on social control find their data almost exclusively in the field of modern business and political propaganda and exploitation. In the second place, Professor Ross was interested mainly in drawing rather large generalizations of a sociological character from his data, while the contemporary writers work in the direction of a detailed and perspicuous description and analysis of control processes in current society. These are rather important changes in the pattern of treatment of symbolic or psycho-social controls, but they are perfectly natural and desirable developments, wholly to be expected in the evolution of the science. Landis, the most recent

contributor to the field, has followed the leadership of Cooley rather than of Ross.

A Neglected Aspect. Most of the content of the field of social control by means of force and manipulation as outlined above under Category II, 1, has been discussed in occasional articles, or as chapters or other subdivisions of treatises in the field of history, political science, jurisprudence, economics, penology, sociology, social ethics, or some other major field of social science. But no one has hitherto attempted to integrate all of these scattered fragments into a single unified treatise as a whole. It is this rather extensive field which constitutes the pattern and the content of Part II of the present volume.

Since 1929 there have been many attempts at social planning in the United States in order to promote recovery from, or to prevent a repetition of, the social, economic, political, and moral catastrophe which broke upon our civilization in that year and has continued for several years afterwards. Some of these attempts at social planning have sought out fundamental principles of general welfare and social control for purposes of guidance in the formulation of these plans. Also, a number of articles, pamphlets, and books have appeared on the subject of social planning, attempting to set forth the general sociological and economic principles which will have to be taken into consideration in constructing fundamental and trustworthy social plans or in projecting and putting into operation a planned society. But as yet no completely and sufficiently inclusive work on this subject has been produced. Perhaps *A Planned Society* by George Soule comes the nearest at the present time to meeting this ideal.

Definition and Functional Classification of Controls. Control operates as an interchange between individuals and individuals and groups, and also between groups and groups. Control itself is a process by which stimuli are brought to bear effectively upon some person or group of persons, thus producing responses that function in adjustment. These responses may be desired or anticipated on the part of the person or persons exercising control or by persons responding to the controls, or they may be unanticipated. The essential fact which renders them controlled responses is that they function in some sort of adjustment situation, which may or may not be the conscious objective of the controllers or of the controlled. A conscious teleological element is not essential to control. The same may be said of the control stimuli that result in the controlled responses. Purpose in the controller who provides stimuli is not essential. However, in order that either the stimuli or the responses may be denominated as parts of a control situation they must be recognized as such by the one who gives to them that characterization.

Control in animals, and in human beings especially, is, in the main, a stimulus-response process rather than a matter of physical impact, as where men are actually pushed into a river by pressing crowds, or forced into battle by a pursuing wall of tanks, or hanged by the neck until they are dead. But even in these cases stimulus-response mechanisms may be operative to a greater extent than physical impact. Also, these cases of control by impact or crude force are not the most important forms of social control. Social control is, therefore, essentially a psychological or behavioristic rather than a physical or chemical process.

The Science of Social Control Defined. The science of Social Control therefore is a systematic organization of knowledge and methodology which recognizes, defines, classifies, and generalizes all types of control processes as described above and operating between individuals and between individuals and groups, regardless of whether or not they are recognized by the man in the street or even by the skilled manipulator of behavior in others. It is essential only that the theorist in social control should recognize the operation of the social control processes. However, the integration of such a science by the theorists leads inevitably to a general popular recognition of these processes, and ultimately to this increasingly facile utilization by control experts and technicians. In fact, we have now reached that point in the development of the science or art of Social Control at which the conscious and purposive efforts on the part not only of professional manipulators, but also of all sorts of amateurs, to direct the behavior of others have attained such proportions that this control has become one of the main interests of society. It has also become one of the chief social concerns.

The concept of social control is relatively recent in origin, dating back within historic times, and its frequent application is almost contemporaneous with the recent development of political science and sociology. Consequently, many important social control processes formerly were not recognized as such, especially by those upon whom they operated. Although we have defined social control in the very broad sense of those processes of adjustment by which a stimulus or organization of stimuli, whether consciously or unconsciously brought to bear upon an object, results in a change of position or a change of functioning, our discussion in this treatise will of course be much more limited in scope. Since we are discussing social control, rather than control in general, we shall confine our cases and analyses almost exclusively to those types of control exerted by individuals or groups who usually consciously, but also sometimes unconsciously, bring stimuli to bear upon other persons or groups in order to produce the responses that are desired, or at least that are more or less conventional and suitable to the demands of the environmental situation.

Social Control as a body of knowledge always deals with adjustment and it is for the most part concerned with consciously directed adjustments. The subject matter of Social Control thus defined in terms of adjustment processes necessarily refers mainly to the means used in securing the adjustment or adaptation. The definition of aims and ends may easily be considered as a legitimate subject for investigation by the science of Social Control, but since the statement of ends may easily, and usually does, involve questions of ethical value and social policy, we shall give only as much attention to this aspect of the subject as the circumstances compel. It is properly a separate discipline. Our fundamental emphasis is upon the means to whatever ends may have been set up, consciously or otherwise, in tradition, in science, or in religion, morals, economic motivation, political policy, and the like.

Some Conditions of Effective Control. Control is most effective when the stimulus-giving agent has prestige and power, but facile technique also counts for much. Control is usually exercised most easily by a recognized leader possessed of good psychological techniques of control, or by individuals who are under the direction of such a leader. This fact has long been recognized and leaders in social control have been chosen throughout recorded history, and even earlier, on this basis. Formerly able control leaders, expert in the psychological arts of handling men, were supposed to be born, like poets, and not made. But it is now recognized that leaders learn their control techniques, usually in the school of experience in dealing with men, but also by studying and imitating the methods of other leaders in control. The teaching of control methods has now become one of the special functions of universities and other schools. While the psychological techniques are thus chiefly emphasized in the training of leaders for control, the physical aspects are not usually neglected. Size, strength, activity, vivacity, courage, etc. — which are either physical or partly physical traits — are also generally possessed in some degree by those leaders who control men by direct personal contact.

Chaotic groups exercise but little and poor control, although neurotic and fanatic leaders, because of their highly integrated purposes and convictions, may exert very effective controls. Consciously applied controls are usually most effective, but the power of such relatively unconscious controls as custom, tradition, convention, is also sometimes marked, especially in highly formalized institutions. In like manner, systematic or well-integrated and organized controls are usually more powerful, at least for long time ends, than are sporadic endeavors at control by mobs and accidental or makeshift leaders.

Negative and Positive Controls. There are obviously various types of social controls, functionally defined. Some of these, like the controls

exercised by the police, and formerly by governments generally, serve to restrain. These may be called negative or inhibiting controls. They are particularly important where one class wishes to limit the powers or activities of another class, as in the case of the use of sumptuary laws for purposes of class control. Positive controls, however, give the person or persons controlled a satisfactory outlet for his energies, which are rendered constructive instead of being repressed, by the control process. Even tyrants and dictators have learned the lesson that it is easier to control, even for exploitive purposes, when the persons controlled and exploited are given something to do, an objective which they are made to believe worth achieving. Thus Fascism and Nazism rule largely by presenting vigorous hopeful programs to the people that cause them to believe that it is worth while to undergo the hardships imposed upon them in order to accomplish the goal set before them. In a constructive social order, in education, in intelligently managed factory or office personnel, the same principle of providing abundant self expression and participation for the controlled is utilized. Even the army, like the family and state, which formerly worked almost exclusively on the principle of repression, now makes much greater use of positive methods of self expression and constructive stimulation as methods of control.

The reason why the positive or directive controls were formerly not so much used is mainly that the distinction between the ruling classes and the ruled was so great that it was not easy to make the latter take an intelligent or sympathetic interest in the objectives of the former. Most frequently the purposes of the controlling class were exploitive, and as a consequence, usually they found it easier to resort simply and directly to force and intimidation rather than to persuasion, and to negative prohibitions rather than to positive incentives. Thus, the ten commandments are mainly in the negative form and the ancient legal codes generally assess penalties. However, there are many ancient examples of the use of positive controls also. The priestly class especially, who were usually deficient in the power to exercise physical violence for control purposes, frequently employed promised rewards (usually of a deferred character, either in this life or in the life to come) as well as threats of punishments (also frequently of deferred delivery). It is only with the coming of literacy and the newer means of propaganda and of a closer similarity of status or condition as between the classes that the employment of positive controls by means of persuasion and cooperative endeavor have come to be predominant. The law, as a system of formal legal controls, still retains the negative and the intimidatory forms. In education, family life, and even to some extent in industry, and in political life, we are making the

transition to the positive forms of control accomplished by means of persuasion.

The Function of Social Control. The purpose of a scientific study of Social Control should be to help people and groups find a normal adjustment in society. It is not for the purpose merely of controlling criminals and the mentally incompetent, although such a function comes within the general scope of Social Control. Neither is the function of such a discipline primarily to regiment the people at large and to keep them in some standardized and constant relationship to existing institutions, beliefs, or personalities. A science of Social Control will take ample cognizance of transformed social relationships and of changing ideals and adjustments. It should embody no set system of allegiances to any institutions or men, to any special interests, to any particular theory of social organization. Short of an aim to achieve the best possible social adjustments for all people, the theory of Social Control should be wholly undogmatic and experimental in character. It must be functional and aim simply at the discovery of the best techniques for the control of human behavior in all possible adjustment situations and to make these available through scientific formulation and instruction for the promotion of the best possible adjustments.

It is necessary to emphasize the non-partisan and undogmatic character of the science of Social Control, because at the present time its devices or techniques are employed primarily in behalf of special interests rather than in the promotion of social or public welfare. Historically this has always been so. Those sociologists, like Franz Oppenheimer, who insist that all political and social control began in the use of force as a means of subjecting one class or group to another, are probably in large measure correct in their interpretation. Perhaps equally important in primitive life was the necessity of compelling cooperation in accepted community enterprises. If either theory of the origins of social control is guilty of any particular error in its statement of its hypothesis it is in a too general attribution of force to all forms of primitive control. In political control, and in its primitive analogues, force and violence were undoubtedly the most common recourse, and ultimately in all cases the probable final resource. But in various types of social control numerous forms of trickery and deceit and other methods of manipulation and deception were also used. And, after a certain stage of social development had been attained, control through magic and the utilization of the supernatural generally was frequently resorted to. While such controls did not in themselves necessarily involve the use of violence, there was always an ultimate threat of force in the background to back up and reinforce these milder and more indirect forms of social control.

Exploitation as a Feature of Past and Present Social Control. It is also true that frequently these early social controls were employed by persons or groups possessed of power for the purpose of mastering and exploiting other persons and groups with less power at their disposal. This exploitive function of social control has been all but universal in the early history of mankind, and it still persists in very large measure in our time. Since our treatment of social control in this volume is intended to be descriptive rather than technological, the content of our chapters will in large measure reflect this exploitive character of social control. We must describe the field of social control as it is, and it is largely made up of a collection of devices for the mastery of men and groups of men in the interest of other men and social classes. Sometimes this mastery aims at the promotion of the collective good, and at other times — and most frequently, at least in present practice — it is directed toward the subordination of the weak or the underprivileged to the service of the powerful and the overprivileged. Nowhere more than in the field of social control do we see exemplified that old scriptural saying that to those who have shall be given and from those that have not shall be taken the little that they have. While our primary purpose in this volume is to illustrate the working of the sociological processes of social control, regardless of the social and ethical values of the different techniques employed and without major reference to the validity of the ends sought in social control, it is possible to illustrate the use of the techniques only by showing them at work in concrete historical or contemporary social situations. We shall attempt to portray this employment of the techniques faithfully, and we shall leave largely to the ledger of history the task of settling the debit and credit sides of the legitimacy of motives in employing the techniques.

Possible Future Development of the Science. The general prevalence of the exploitation motive in social control in the past had led many people to react against the idea of social control. However, the fact that social control has been used so largely for purposes of exploitation in the past does not signify that it must be so employed necessarily. Social control may be sought deliberately by a group or society as a means to the achievement of the ends which it desires. If mankind is ever so happy — and if civilization does not enter upon a decline, man doubtless will be thus fortunate at some time in the future — as to work out an effective and adequate technology of Social Planning, it will then be possible to employ the various techniques of social control exclusively in the service of social reconstruction and of the public welfare, the controlled group cooperating consciously and willingly in the process. In such an event a descriptive science of Social Control would not involve the necessity of showing the techniques of social

control employed for antisocial and exploitive purposes. How far in the future such a devoutly to be wished consummation may be it is impossible for us to say. When it does arrive, perhaps some of the techniques described in this volume will drop out of existence or be used much less frequently than is the case at present. But others, and particularly the employment of force, will perhaps always continue to have a legitimate place in social control. Short of the total and miraculous regeneration of mankind, how could it be otherwise?

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Chapter II

THE CRITERIA OF SOCIAL CONTROL

The Problems of Administration and of Knowledge. The problem of securing a fairly adequate adjustment of the individual to his environment was, from the standpoint of social control, on the whole both more and less difficult in primitive times than at present. On the administrative side social control was easier among primitive peoples than under our complex social system. But on the knowledge side — in which we may perhaps include at its best a functionally adequate theory of ethics — such control was more difficult then than now. In primitive times men lived in relatively direct contact with one another. The forces they were able to bring to bear upon their fellows were also simple, elemental, and direct. As yet language and thought were not sufficiently developed and complicated to make highly involved and indirect control relationships possible or necessary. Force and fear were ever present controls which could be utilized promptly and effectively. If, perchance, one escaped the heavy hand of man he was more than likely to find weighing upon him the even heavier hand of the supernatural. When he ran away from visible enemies and exploiters he found himself in the clutches of a more ruthless or remorseless invisible avenger. There was nowhere to lay his weary head as a fugitive from compulsion and reprisals; nowhere that he might live for himself alone.

But we must not suppose that primitive man sought only peace and quiet and freedom from exploitive controls. He was as eagerly seeking others weaker than himself whom he might reduce to his own service. Even within his own group there was rarely a relationship of equals, but more commonly a hierarchy of superiors and subordinates, in which custom and power prescribed services and protection; and force was either the actual or the potential enforcer of custom and power. Primitive life was usually hard, and sometimes even ruthless and exploitation — the unrequited or improperly rewarded use of persons or their belongings by others — was an ever present reality.

The Knowledge Problem in Social Control. Where force and fear and cunning, so largely on an animal level, were such facile controls, the problem of social adjustment — either for the good or for the ill of the persons concerned — should have had an easy solution. Ad-

ministratively such an easy adjustment was theoretically possible. But this direct and easy social control was complicated and in large measure prevented by the knowledge and the ethical problems. That is to say, the technique for getting things done was in advance of the knowledge of what to do. Our modern difficulty in social control arises from the fact that we know much better what to do and what we should do than we know how to accomplish it. For example, we have a much more adequate knowledge of the weak points and failures of our municipal administrations, of our system of justice, of international relations, than we have control techniques with which to remedy these situations. We know very well indeed the evils of war and the virtues of peace, and we even know how to abolish war and institute peace, but we do not yet have the machinery for international control which will produce these results. We are no longer under any illusions to the effect that gangsterism, piracy (either of individuals or of nations), or laissez faire exploitation, are desirable socially. But we do not as yet seem to be able or willing to use the known methods necessary to abolish these ills. Our civilization has become so complex that it is largely unmanageable, even after we have developed a scientific analysis of society as a whole and in its multitudinous aspects. What we need next to do is to develop a systematic body of knowledge of social control that will be adequate to enforce and put into effect our knowledge regarding the needs of social direction and reconstruction.

Primitive man lacked adequate knowledge both of social relationships and of ethical values. He was very largely lacking in an understanding of those principles of behavior and of his relations to environment which would give to him an adequate and successful adjustment to life. He had no sciences. He did not understand even the elementary principles of dietetics or of hygiene. If he ate food fairly adequate to his needs it was largely because nature herself had brought him up on this food and had selected within his inherited organism those adaptations of physiology which made the food suitable to his nature and needs. But with the coming of artificial foods and drink and drugs his organic maladjustment often became tragic. One of the chief causes of the disappearance of native peoples before the strenuous cultural competition of the white man has been their irrational and largely unrestrained addiction to alcoholic drinks and habit forming drugs.

Control by Custom and Tradition *vs.* Science. In the wider and more indirect social relations of life the primitive man was also lacking in knowledge of how to act. He had no science of society. He had to depend wholly upon custom and tradition and in these there was no adequate guarantee of correctness or of utility. His great deficiency

was that he had no fund of impersonal collected and tested experience with reference to his various relationships in society, which we call science, to fall back upon for guidance in case he should be confronted by new demands for adjustment to environment. Such aid is the service which modern science renders to modern man and thereby raises him above the uncertainties and narrow restraining dogmatisms of custom and tradition, that are so often synonymous with unenlightened supernaturalistic controls and magic coming down from the past. If modern man is suddenly confronted by new conditions to which he must adjust himself, he has a fund of undogmatic and flexible scientific knowledge to fall back upon to give him direction in working out new patterns of conduct. He can even invoke this fund of scientific knowledge against dogmatic and insistent custom and tradition and magic, if it becomes necessary for him to do so. Primitive man had no such recourse against tradition and custom and magic. He must either submit to them — and they enforced their demands freely and with violence, as well as with intimidation and deception — or he must step out into an unknown and unmarked course of experimental behavior, trusting to luck and to the guidance of such supernatural personalities as he imagined he found friendly to himself. Thus the knowledge problem was for him extremely serious and his ignorance of a rational pattern of adjustment behavior formed with the aid of science was often no less than simply disastrous.

The Rise of Criteria of Social Control. This need for definite guiding knowledge on the part of men as to the proper method of exercising control over the world in which they lived, including the control of their fellow men, was recognized before the required knowledge itself was available with which to supply the need. From one standpoint we may look upon the history of mankind and of civilization as a struggle to determine adequate criteria of personal conduct and of collective behavior. This search for criteria of social control is one of the major facts separating human from lower animal life. It is evidence that men have become aware of a social control problem and are endeavoring to take thought to solve the problem. This search for adequate criteria to social control or sure guides to individual and collective conduct has been a long and by no means a uniformly successful one. More often than not it has been blinded by ignorance, prejudice, and superstition. But gradually it has been clarifying itself and has become more accurate and dependable as man has, by the aid of science, come to understand himself and his environment to better advantage. Out of such knowledge has arisen a science or sciences of self and social guidance. This knowledge takes on two forms, which may be distinguished, although they are closely related.

One is the knowledge of present evils or maladjustments and of new conditions or adjustments that should be employed to replace the old improperly working adjustments. This latter is the knowledge of ends — of new ends or objectives — which should be substituted for the old values and social processes. The second type of knowledge which mankind has been gradually searching for and acquiring is as to what steps should be taken in order to achieve the ends set up as the proper objectives in social adjustment. These two types of knowledge have already been implied in the earlier discussion of this chapter. The former — that about misfits in social adjustment and substitute ends and objectives — is variously described by such terms as social pathology, social problems, or even by sociology and social planning. The second kind of knowledge is that respecting the criteria of social control, for which mankind has long been searching. This long search for adequate criteria of conduct and social control has given rise to a succession of standards or criteria. The earliest of these, as might be supposed, were very largely subjective, being based on the appetites and personal desires and aversions, loves and hates, friendships and antagonisms, of the persons who exercised the control. Such subjective criteria still persist in large measure to dominate the control processes even of modern society. But the criteria later to be arrived at and sanctioned more generally have been for the most part more objective in character. Men have learned increasingly to take into consideration the wishes and needs, the rights and demands, of others in the exercise of whatever powers of control they may possess. Such recognition of and consideration for others come in time to be standardized in the forms of custom and law. These facts will become apparent as we proceed with our analysis of the succession of criteria of social control.

The Early Criteria of Social Control. Thus in the earliest history of mankind, the only criteria of individual and social control used were the wishes or desires and the power of craft and cunning of the strong man. These criteria came to man from the animal world below him. There was no philosophy of social control at this early period. How long the subjective criterion of appetite and individual desire was dominant no one knows, because we do not know when it began, but that it was almost as long a period as the history of primitive man itself is evident from the fact that it has scarcely yet ended. But in time there arose a theory of the supernatural, which resulted in a second criterion or set of criteria of control. Certain objects, places, animals, men, days, seasons, natural elements, and processes were observed, or supposed, to have unusual powers inherent in them, by means of which they compelled other objects or beings to perform

various acts. At first these objects with power were not spirits or divinities at all, but might be any object possessing "mana" or magical power, to which we apply such terms as fetish, charm, totem, sacred place, holy day, blessed rain, and the like. Later there grew up the theory that such objects do not perform by virtue of their own inherent power but because of some spirit or divinity which directs or guides them, just as the human body was supposed to be directed by a spirit which dwelt within and sometimes by other and more powerful spirits that dwelt without.

The rise of the supernatural marks the appearance of quasi objective controls. To be sure the supernatural personalities were not the first objective controls, for there were chiefs and perhaps even tribal councils that exercised control equally as early as the spirits. But these early chiefs and ephemeral councils must have exercised very whimsical and arbitrary controls. They were, in fact, the strong and crafty men who dominated others by means of force and cunning in the service of their own appetites or for the sake of urgent group needs. Such controls were only partly objective in character, although they of necessity usually proceeded from without the will of the average member of the group. Nor were they usually all-pervading and completely dominant over the ordinary individual. In very early times they were probably both intermittent and exceptional in character.

Social Control through the Use of Supernatural Agents. The rise of the notion of spirits or conscious personalities directing human behavior within or from without the person controlled, made necessary the development of a new sanction for the exercise of control. The strong individual who was motivated by his appetites or lust for power and could enforce his desire upon others by virtue of his physical prowess came to recognize a more powerful being who could compel him to obey and would use force upon him, even to the point of death, if he resisted. If the strong man expected still to have his way in a world thus dominated by invisible supernatural spirits it was necessary for him to find some method of inducing or of forcing the spirits or supernatural powers to do his bidding or to carry out his requests. This new means of control to which the supernatural was amenable was not force or violence, for the spirits were immaterial and invisible and could not therefore ordinarily be beaten or punished and killed by violence. We say, could not ordinarily be thus compelled, but there are many instances where angry or self-willed individuals did beat the images of the gods, and in other ways used violence or intimidation upon the supernatural personages, in order to force them to do the bidding of human beings. But ordinarily the new weapon of control had to be a somewhat subtler method. It was magic, a third

criterion or set of criteria of social control. Since magic is merely an instrument by means of which to force or urge upon the supernatural the will of an individual, it in effect marks a partial return to a subjective criterion of social control. The will of the supernatural (or of the priests who interpret the supernatural) is too external and objective to be borne without protest by the powerful and self assertive. As a consequence this method of controlling the supernatural by means of magic as a device for the subjective domination of social control grew up along with the rise of the supernatural. In fact, as we shall see later, the supernatural controls may have been created more or less consciously as a means to shifting control from one group or class in primitive society to another.

This magic took on many forms. In its purest aspect it was merely the will or the wish, the fiat or command, without instrumentalization of hands or any material implement or aid. But in its more complicated and advanced forms it developed a great variety of methods of influencing the supernatural by means of gifts, persuasion, flattery, threats, sacrifices, self-abasement, self-infliction of pain and mutilation, bribery, contract or covenant, and many more magical procedures. By one or more of such methods the human being believed himself to be able to secure the aid or forbearance of the supernatural in the attainment of his wishes.

A New Subjective Form of Social Control. Thus we see a new set of criteria of social control coming into operation, or at least a new set of human personalities, a new social class, rising to decide and establish the effective criteria of social control. This is the priestly class, the men who see visions and hear voices and whose cunning as thinkers, operating consciously or unconsciously, begins to contend with the users of brawn and violence for social control.

Even the weak and timid might now become as powerful as those who were huge of body and bold of heart, for they also might master this new method of control which was magic. As a matter of fact, it was often the puny ones, who had to fall back upon their brains instead of their brawn; or the fearful ones, filled with neurotic conflicts and compensations, who established the closest relations with the supernatural beings and thus won the support of the spirits and the divinities for the fulfillment of their desires. Indeed, it may well be, as was suggested above, that it was the weak and the timid who first invented both the supernatural powers and the magic by means of which they controlled these supernatural beings as a defense against the muscularly strong. If so, to them belongs the distinction of having invented the first systematic institution for the conquest of brawn by brain.

The Persistence of Force as a Control. However, it must not be supposed that the use of force disappeared with the invention of magic controls. It rather shifted its position in the control process. There of course remained many situations in which physical force and violence were valid and adequate means of social control, and in which the individual's appetites and desires were sound, if not universal, guides to action. Also, the strong men still exploited the weak. The tribesman continued to destroy his enemy the stranger. The male lover yet subjected to his will the desired female by violent means. The child was made obedient to the adult by force. The supplanting of the rule of force by the rule of magic was slow and partial in its accomplishment and it never was complete. Even after magic was generally accepted as a superior control, there were not always magical techniques ready with which to circumvent the application of violence. And not infrequently the enraged or appetitive brawn defied or disregarded the magical "thou shalt not" of the medicine man or priest and hurdled by mere force of muscle a dozen or a score of unwelcome commandments and taboos. Even in our day this contempt for magic, and even for the morals which our new order of the ethically sensitive have invented, continues on the part of the physically bold and strong. We are not free from control by force even in an age that calls itself civilized. We have our Nietzschean theory of the Blond Beast and we have our militarist doctrine of the defense of *Kultur* and of "national necessity" by force. And we also have a militant Fascism which apparently aims at the reduction of the masses of mankind to a new form of domestic slavery by means of violence.

The Weakness of the System of Supernatural Controls. Magic was in time found to be but little better than force as a technique of social control. Its main effect was to shift the balance of power from the muscularly strong and the heavy hitting fist to the mentally strong and cunning. But it did not guarantee justice in a world which did not even possess the concept of justice or of ethical values. Magic could be used for purposes of exploitation quite as easily as could physical force, and if it was not as generally so employed it was because such ruthlessness was sometimes checked by the superior power of the fist and the club. The final court of appeal away from exploitation by magic was the violence of the enraged victim and of his associates. But even with such a powerful appeal from their acts, these friends and partisans of the supernatural gradually worked out a system which largely conciliated force to their side and service and relieved the agents of the supernatural of having to operate in opposition to the powers of violence. In this way the medicine man, the priest, the sacerdotal hierarchy, divided the world with their rivals and ruled it

jointly with them. They became the planners for the most part and their strong-arm allies became their own right arms in execution. The partisans of magic might have become complete masters of the destiny of mankind and have controlled almost all important human behavior — as was indeed their apparent aim — if they had been wiser and more just. But they too were moved more by appetites, or the illicit subjective criteria of control, than by considerations of human welfare; and they never learned to prize scientific knowledge above tradition. As a consequence, when they were at the peak of their power and the great historical religions that embodied the principle of control by magic could master kings and command empires, their system was already on the point of crumbling to ruin by the weight of its own iniquities.

Rise of the Ethical Criterion of Control. A new criterion of control was therefore arising. It arose out of the necessity of finding some new criterion for social control which would assure to mankind both order and justice. The old controls by the strong and the cunning, by means of force and magic, having failed to meet the greater perceived needs of mankind because they were motivated only by appetite and individual or class desires and not by a sense of justice, this new criterion of control made its appearance. It had not appeared sooner because it could not be applied before mankind developed to the point at which they could think and evaluate behavior in ethical terms. Breasted says that it began about five or six thousand years ago, when ethical judgments began to replace ritualistic formulas and sacerdotal traditions as criteria of conduct.[1] But the ethical criterion did not attain to such prestige as to dare assert itself openly and defiantly against priests and kings until the times of the Hebrew Prophets, or quite fully and successfully to urge its claims until the latter part of the eighteenth century of our era. The Hebrew prophets apparently saw with some degree of clearness that a legalized and ritualistic and magical religion, such as prevailed in the ancient Hebrew state, was dangerously corrupt and largely an instrument of exploitation and oppression. They demanded a new interpretation of the relation of man to the supernatural, one which would substitute ethical principles for magic and make social justice the basis of social control. Louis Wallis has traced most interestingly the evolution of this struggle between the traditional supernaturalistic and the new ethical criteria of social control in the history of the Jews.[2] But the struggle to establish the dominance of the ethical criterion in social control did not end there, because it did not triumph immediately. The latest of the great Hebrew prophets,

[1] James H. Breasted, *The Dawn of Conscience*, Introduction.
[2] See his *Sociological Study of the Bible* (1912) and *God and the Social Process* (1935).

Jesus of Nazareth, made this defense of the ethical criterion the burden of his reform labors; but many of his nominal followers have returned to the traditional magical criterion and adopted most of its exploitive injustice while at the same time they have assumed his label. But some of these professed followers have really caught the ethical spirit which he advocated and have done loyal battle for his ethical criterion of social control. They have carried on the fight for the social justice criterion of control within the field of organized religion. Perhaps there never were before in the history of the world so many persons as we find today within the ecclesiastical ranks who have espoused this ethical sanction of social control in opposition to the criteria of traditional magic and force and violence.

The True Sponsors of the Ethical Criterion. But the chief defenders of the ethical criterion of social control are perhaps not to be found among the priesthood (using this term to cover all ordained ministers), but in the ranks of the social scientists and among those laymen who learn from the social sciences and follow their intellectual guidance. On the side of the ethical criterion are also a large number of professional and amateur reformers who give a great deal of attention to the struggle against the continued irrational and exploitive application of the criteria of force (with its concomitants of exploitation, fraud, manipulation, and deception) and magic in social control. The ethical criterion has not yet won the right to dictate the objectives and means or techniques of social control, but it has become a very strong factor in the social control situation. This fact is testified to in an unmistakable manner by the hatred and strenuous opposition — often in the form of physical violence — which are hurled against "social reformers" on every hand by defenders of the old non-ethical and unethical criteria.

This opposition to the ethical criteria does not come alone from the criminals, prostitutes, panderers, gamblers, drug addicts, alcoholics, and from those who profit by exploiting such classes, but it frequently proceeds also from the class of "artists," "esthetes," and the literary and artistic gentry generally, who are steeped in the old traditions of force and magic, and who dread the reconstruction of their values which an ethical criterion of social control would force upon them. Often, also, large numbers of adherents to orthodox ecclesiastical orders are found among those who oppose the substitution of an ethical criterion of social control for the old order of force, fraud, and magical controls. But generally the church has favored the application of the ethical criterion, at least in purely personal as distinguished from abstract social relationships.

It is in this latter field of abstract or derivative social values that the

church or organized religion has been most backward in its support of the ethical criteria of social control. It has supported an ethical criterion in personal conduct much more fully than in the sphere of collective behavior. But even in the matter of personal behavior the ethical criteria of control applied by the church are not always scientific or dependable. They are all too frequently based on tradition and magical values. For example, the definition of sin used by the church is frequently magical rather than moral. This is especially so in those cases where merely formal sins of belief and disbelief, heresy, and the like, are considered to be more reprehensible and deadly than acts of murder and violence and gross immorality. On the side of the ethical evaluation of social conduct the church has often suffered severe criticism. Its stand on questions of social justice, economic and social welfare, the reform of gross evils and social vices, and the ethical incompatibility of voluntary warfare (as distinguished from necessary defense of home and country) has often been open to serious question on moral grounds.

Science and the Ethical Criterion of Social Control. What is to be the ultimate fate of the ethical criterion can be demonstrated only by future events, but undoubtedly the rise and accumulation of scientific knowledge have been very favorable to this criterion of social justice. The heart of the ethical criterion is the demand for the welfare of society as a whole and for justice to each individual member. The older sanctions arose out of the ignorance of mankind, not only with regard to what constituted social welfare, but also with respect to the necessity for justice as a means to the attainment of this social welfare. While the possession of knowledge does not assure the acceptance of the social welfare criterion by the physically strong or the magically efficient, it nevertheless renders the adoption of this criterion possible.

Thus the most urgent next step in the development of adequate criteria of social control is the promotion of scientific knowledge which can serve as a guide and as a support for an effective ethical criterion or ethical criteria. All kinds of scientific knowledge are needed for this purpose. Even knowledge of physics and chemistry and biology is important. Many ethical problems depend in part for their solution upon detailed facts in one or more of these sciences. For example, the value of a eugenic program must be determined by the facts of heredity as well as by the desirability of the social policy implied. Likewise, the legitimacy or illegitimacy of sterilization, ethically speaking, must depend in part upon a knowledge of human anatomy and physiology. The ethics of the control of proprietary medicines and of habit forming drugs rests in large degree upon information to be had from physiological chemistry.

But the chief basis of the ethical criteria of social control must rest directly upon the mental and social sciences. It is through the investigations of these that the necessary knowledge for the construction of adequate ethical criteria must be obtained. These sciences not only constitute the sources of dependable knowledge regarding human nature or personality and human behavior in organized society as these things are in actual practice, but these sciences must and do also provide us with our only adequate sources of knowledge with reference to the adequacy of existing social patterns and adjustments and as to the need for new social objectives and forms in adjustment. It is also upon these sciences that we must depend for guidance in the determination and construction and enforcement of those social controls which are suitable for the introduction of the new social adjustment techniques. Thus, finally, we arrive at a new set of scientific criteria of social control to supplement and enlighten and reinforce the ethical criteria.

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Chapter III

THE METHODS EMPLOYED IN SOCIAL CONTROL

The person interested in the theory and practice of social control finds it necessary not only to understand the criteria of social control, but also the techniques or forms of control that have developed in the evolution of the social control process. It is important that he should understand both the past development and the present status of the evolution of both of these aspects of control. Both the criteria and the techniques of social control are basic to an analysis of the social control system as it now exists and as it may be made to operate in the interest of a better system designed to achieve the control objectives that may be set up. As a basis for the determination of the evolution of the techniques or forms of social control an analysis of the history of social control has been made, the results of which are presented in a brief summary in the pages immediately succeeding. This analysis reveals five major historical forms of social control, with a great many subsidiary forms or subdivisions. These latter will be developed in more detail in the body of the text, while the major forms are described in this third introductory chapter.

1. **The Use of Violence.** The first form of social control that history and prehistory present to us is violent coercive control. This method not only antedates history, but it also appears prior to the evolution of man himself. It is the method employed by the mammals generally. Being without language, and therefore devoid of public opinion or the methods of propaganda and persuasion, and having no well-defined means of employing intimidation on any considerable scale, the common recourse of higher animal forms in control situations was to use crude force. This same technique was copied by man from his prehuman ancestors and was to all appearances employed by him in those early ages of savagery before even archaeological records appeared.

With the appearance of historic records, in which stated fact replaces to a large extent inference as evidence, there is an abundance of data as a basis for our inductions. All the early inscriptions covering the deeds of kings and the achievements of nations, whether of Babylon, Egypt, Assyria, Persia, or Macedonia and Rome, are redolent with boasts and records of violence. These ancient documents read like one account after another of slaughter of human kind — not only of embattled

warriors, but also of the old and infirm, of women and children. Even that great text book of the Jewish and Christian religions, the Old Testament scriptures of the Bible, abounds in descriptions of slaughter, mayhem, rape, and all manner of butchery. The old empires of the East floated in blood.

Although there are some respites from slaughter in the accounts of the deeds of Alexander and in the history of the Roman Empire, these recount one almost endless series of bloody conquests over weaker and less well-organized peoples. Only by this time conquest was less for pillage and rape and more for the control of taxes and the manipulation of trade. As a consequence violence was somewhat diminished and was in a measure tempered to the necessity of leaving alive a sufficient population for subsequent profitable exploitation. The Barbarian Invasions represent something of a return to the old regime of slaughter and pillage and rape, a condition which continued in large measure throughout the Dark and Middle Ages, as is evidenced by the chronicles which the camp followers of these expeditions left behind them. But with the rise of the commercial cities slaughter became a needless waste, since the industrial and commercial community came to be recognized as a goose that laid golden eggs for the treasury of kings and therefore was protected from violence in return for tribute, while the murderous mercenaries of the rulers were now let loose against a surplus population of robber barons. In this way something approaching a peace that was not altogether a wilderness came into Europe in recent centuries.

2. **The Use of Intimidation and Fear.** The second form of social control technique evidenced by history is that of intimidation or the use of fear as a means to secure the desired control end. This is a much more economical method than that of violence, since it involves a saving of energy on the part of the controllers, and it is conservative of material on the side of the conquered and exploited. As long as the only object of raiding and warfare was to take booty, women, and children for warriors or slaves, the most economical procedure was to destroy those persons and things which could not be carried away to advantage. But as populations grew and more land as well as more booty and slaves were recognized by the conquering peoples as desirable, there was measurably less slaughter and more slave-making and colonization.

Intimidation is possible only when it is backed by an adequate threat of force, which must now and then be demonstrated in the raw. This fact was realized fully by the ancient conquerors and by the minority ruling castes who dominated a conquered slave population. Thus the ancient Spartans esteemed it a virtue in their youths to treat

the helots roughly, and it was considered no breach of decorum if occasionally a helot was killed; it helped to keep them in subjection.

The growth of commerce had much to do with the softening of violence and its transmutation into intimidation. To be sure the early raiders of trading caravans killed the owners and their servants and took their goods, just as may happen to this day in the deserts of Arabia, and as was common in the nineteenth century in Africa, and in the eighteenth in interior Asia or in the South Sea islands. But stronger powers and more reflective robbers soon discovered that it was more remunerative not to kill or impoverish the traders, but to take toll from their trade — in fact, all that the traffic would bear. Thus the robber barons of the Middle Ages gave their "protection" to the trading caravans that passed through Europe, much as modern city gangsters "protect" laundries and cleaning establishments, that is, they imposed upon them a tribute and permitted them to pursue their business. In a similar way, piracy on the high seas, when it became sufficiently strong and well organized, as in the case of the Barbary States, so closely associated with the fame of our Commodore Decatur, substituted the payment of tribute for the gang plank.

In fact intimidation is a very old form of control, and its beginnings are to be found among man's prehuman ancestors and predecessors. Animals not infrequently use intimidation, when the employment of violence is too onerous, or where some degree of fear on the part of the controller causes him to substitute an attitudinal threat for an act of aggression. But the use of intimidation reaches its highest development among men, where in the course of time it takes quantitative and qualitative precedence over the employment of crude violence. It is still a powerful weapon, but its prestige and practice have greatly declined in recent centuries and especially in recent decades, in spite of exceptional examples to be found in present day Europe. It is employed on a national scale at the present time or as an habitual method of control only by those countries which President Roosevelt has called the pirate nations. And with these it has worked exceedingly well.

3. **The Use of Fraud.** The use of threats and intimidation as a means to social control not only overlaps with its antecedent crude violence, but is even more strongly identified, if possible, with its successor, fraud. In fact, some of the forms of intimidation will readily be recognized as examples of fraud. The term fraud as here used covers not only legal fraud, but also moral fraud which at the same time is not illegal. In fact most examples of control by fraud probably come under the category of moral fraud which is legal and not punishable directly by law. Originally most fraud was of this character. In some cases it was not even regarded as immoral, that is, as contrary to custom, and

certainly not illegal. But as civilization advances and more adequate and higher systems of social control come to replace the older and socially less effective ones, fraud is constantly and increasingly characterized as immoral and is brought also under the ban of legal prohibitions. However, the legality of a control is not necessarily a guarantee of either its morality or of its larger social utility. In fact, not infrequently a law is itself a moral fraud and is enacted or promulgated for the very purpose of working fraud in social control. A familiar case in point is the passage of unreasonable traffic regulations by suburban towns as a means to the exacting of tribute from careless or unconscious violators.

Fraud, therefore, consists of any method of securing control results — whether in the form of goods or of services or of privileges — through misrepresentation of the circumstances, through taking advantage of the unequal ability of another to maintain equality in bargaining or in making supposedly voluntary adjustments or agreements, or through moral intimidation. It is any process, legal or illegal, by which one demands and receives from another more than one has the right to expect. Moral intimidation, such as blackmail, is pretty close to physical intimidation. It is unquestionably a form of intimidation; and it is at margins, such as this, covering a large number of cases in modern life and also in earlier times, that intimidation overlaps most noticeably with fraud.

The largest number of cases of fraud in early times was doubtless of the general pattern of taking advantage of the unequal ability of another to maintain equality in bargaining. This is so close to inequality of strength or physical prowess that often it is not easy to distinguish the two, and thus we come again to a point of overlapping of intimidation — in this case physical intimidation — with fraud. The ancient kings, priests, and nobles, who kept their subjects and slaves and serfs, and even freemen, in constant awe of themselves, either because of their own powers or of those attributed to the supernatural beings who were supposed to be their protectors and patrons, had a tremendous advantage over their inferiors in every sort of relationship in life. It was not alone that they could frighten the lower classes with threats of violence, but the common herd could not muster sufficient "face" to demand and procure the rights which custom or even law allowed to them. Thus, with the rise of powerful classes and castes in the period of the early empires, there also appeared in ever greater numbers degraded castes and classes who trembled at the approach of the powerful and literally lay in the dust and advanced on all-fours before men and gods. Such moral intimidation, depriving the masses of men of their status as men and reducing them to servitude and the lowest

state of spiritual degradation, was nothing short of the practice of fraud, whether or not physical intimidation was used as a supplement and aid. This type of fraudulent moral intimidation was long used and has not disappeared from certain parts of the world even today.

Fraud as Moral Intimidation. In our own country the masses imitate the vices of the upper classes, wishing they were like them, and thus they sell their birthright of freedom and independence as rational human beings for liquor, beer, cigarettes, pool hall play, and the ironic distinction of being seen at a night club. The struggle of the modern woman to keep up with the fashions, the addictions of all classes to crazes and fads, because of which they enter into competitive spending for the trivialities of life, keep the great majority of people who live in the midst of the most advanced civilization of history, ignorant and morally and economically poor. They are unable to develop independent personality and character of their own, and they remain forever the moral slaves and fraudulent victims of the exploiting merchant, the fashion leader, and of those ambitious for political power. We have by no means got rid of our moral enslavement and of this type of fraudulent control and intimidation, even in the most advanced and cultured nations of the world.

Not very different from these more material forms of fraudulent moral control is that which has been exercised from very early times by the self-styled spokesman of the supernatural. Such control has passed through various stages and forms of fraudulent exploitation, but in general character it has continued much the same. It has never been possible throughout the long history of supernaturalistic controls to determine what part of the methods employed by the medicine men and priests was due to self-deception and what part to more or less deliberate fraud. The primitive shaman, as well as the modern priest and the great ecclesiastical hierarchies, has had a rich privilege and perquisite to defend. It is not surprising, therefore, that he has played with his magic and prostituted his god or his gods to the cause of his daily bread and his lust for power with all too little regard for truth or decency. In such matters he has rivalled the kings and the proud nobility, but withal he has operated more subtly and on his side he has had a more powerful intimidating aid than the fear of human vengeance — the threat of the eternal hate and the unquenchable anger of the outraged gods denied the flattery, the fulsome adulation, the unquestioning obedience, and the tax money or tribute that was their absolute due.

Political and Economic Forms of Fraud. Priestly fraud is now on the decline. But there are other forms of fraud that continue to overwhelm us. The politician, like the pauper and the thief, we have forever with us. He flatters the people into the belief that they are as wise as Solo-

mon and as sovereign as kings, seizes their suffrages and hies him away to sell their freedom to the highest bidder in the legislative marts. Platforms are frequently but clever false promises with which to win unwary votes on the pretense of solemn pledges. During campaign periods the air is redolent with lying generalities, and the candidate for office perjures his soul without stint. He abuses the opposing candidate and exposes his insincerities, but dodges the issue about his own intents and purposes. He assists in the spreading of scandalous canards and winks at the practice of distributing the contents of the war chest "where it will do the most good" for his cause and the most evil to the interests of the people. Our city, state, and nation are so frequently dominated by bosses and perverted by machine politics, rendering it difficult to secure honest government even when, occasionally, we have fairly intelligent administrators, that well-governed political units are generally a matter for surprise. Corruption and partisanship and favoritism fill our legislative chambers and palsy the arm of the administrator. Even the courts are so little above suspicion that not infrequently criminal prosecution must be turned against those who weight the sacred scales of justice.

In business and the economic world fraud is even more obvious. The misrepresentation of goods through advertising and salesmanship, the overstimulation of buying and consumption for the profit of the producer and merchant, the misrepresentation of bonds and investments, the promotion of liquor, drugs, narcotics, patent medicines, and other noxious articles detrimental to social welfare in the interest of private profit, misbranding and misrepresentation within the law; the trade of the armament maker by means of which he promotes war, destroys human lives and property and wrecks civilization; the exploitation of labor and the consumer in the interest of capital through industrial combinations and holding companies, the fleecing of the public through monopoly and other forms of high prices, are but a few of the legal forms of fraud which our economic system tolerates and promotes constantly. They are known to all. The illegal and outlawed economic frauds are also numerous. We scarcely need allude to theft, forgery, blackmail, the use of the mails to defraud, criminal misbranding and adulteration, extortion, and similar practices, to call up a host of fraudulent economic activities which have already passed under the moral and legal ban. As a matter of fact, a larger number of frauds have been interdicted legally in the field of economic practices than in any other phase of human social behavior. The reason for this is apparent. It is here that men feel most keenly the evil effects of fraud, since in the economic relations of life we have worked out the best measures of values and are able to express them in terms of dollars and cents. Perhaps if

we could measure with equal concreteness and precision the harm of fraud in other relations of life, we should the more easily enlist moral indignation and the law in the suppression of such types of fraud.

The Revolt against Control through Fraud. Fraud, in its various forms, both legal and illegal, is the most frequent of all forms of social control now in operation. We have reached the fraud stage of social control in the evolution or succession of forms in social control. As a matter of fact, fraud entered into the control process a long while ago. There are even foreshadowings of it in the deceptive behavior of animals lower than man. For example, a mother bird frequently attempts to distract the attention of an invader from the nest of her young by concentrating attention upon herself, and dogs in rural areas have been known to act as if they had found quarry when they had not, thus tempting their masters to hunt. But fraud does not reach its full flowering until the advent of verbal language and of objective representation and thought, which are so dependent upon a verbal language. Fraud to be most effective requires projective thinking and planning; it is a species of social invention. It increases in perfection with the intellectual evolution of society and would continue to develop in intricacy and technological efficiency indefinitely except for the fact that as it grows in efficiency and volume, mankind learns to grasp its adverse effects and to resent it. This defense against fraud has grown but slowly. Moral condemnation is more widespread and embraces more types of fraud than legal prohibition and penalization.

At first men merely fought fraud with more fraud, matched wits against wits in human exploitation; and this is still a favorite form of contest among men. But gradually they came to regard fraud, at least in some of those aspects in which its individual and social damage was most apparent, with moral indignation. But even yet there are many aspects of life, such as personal deception in marriage, masquerading under false pretensions socially, substituting show and external appearance for solidity of character within, and horse trading "sight unseen," into which moral condemnation has entered but imperfectly. To the same class of fraudulent deception belongs diplomacy and the official lying that frequently is prevalent there. In the economic relations, as pointed out above, there is a more adequate appreciation of the harmfulness of fraud, thanks to a better scale of measurement of its adverse effects. It is in this phase of life that the reaction against fraud has gone furthest and its decline as a mode of social control has been most marked. While fraud still dominates the living process, it is visibly on the decline, and its days as a social control are obviously numbered, although the end of its rule is not near. It is already beginning markedly to give way to the domination of its successor.

4. **The Use of Persuasion and Propaganda.** This new form of social control is persuasion or propaganda. Here again we find an obvious overlapping of the two methods of control. A large phase of fraud is persuasion under false pretenses and by means of misrepresentation. So markedly true is this fact that some writers on propaganda cannot conceive of honest propaganda or of propaganda without fraud. It must be admitted that most propaganda in the past has been of a fraudulent nature, when judged according to the definition of fraud here accepted. It is said that the Sophists sometimes boasted that they could make the poorer reason appear the better, and much of their teaching of rhetoric was devoted to this practice. Such seems to be the purpose of many lawyers in our own times. We suspect that much modern, and perhaps all ancient, diplomacy was based upon a similar philosophy of persuasion and coercion. The histories of religion, of politics, and of commerce are replete with similar practices. Thus the old time propaganda was characterized largely by fraud.

There are abundant parallel instances in the fields of politics and economics. Even the "divine" Plato promulgated in his *Republic* a plan for propagandizing the masses into believing that some people are made of brass, some of silver, and a few of gold, in order that they might submit to his system of government. Another of these great political propaganda hoaxes was the theory of the divine right of kings. The laws are filled with precedents and fictions which are used to perpetuate old tyrannies and to invent new ones and to convince the people of their rightness through propaganda. In the economic world holy scripture has been used to justify slavery and the rightness of the property privileges of the rich, bolstered up by partisan laws of economic inheritance and advantage in commerce and trade. Myths and falsehoods have been used throughout the course of history for the purpose of fraudulent social control by means of propaganda.

Contemporary Fraudulent Propaganda. Control through propaganda is a rapidly mounting phenomenon in our own day, and much of it, perhaps most of it, continues to be fraudulent in character. So characteristically common are its methods and so easily observed is its appearance that we need scarcely to offer examples of it. It is the first form of control that may be said to have no visible antecedents in prehuman life or society. But it made its appearance early in the history of human society, and perhaps first of all in the embryonic political field. Long before trading arose, and perhaps even before religious proselytism was indulged in, primitive men engaged in the art of persuading their companions to join in the hunt and the raid.

When men became traders as well as fighters, fraudulent propaganda began in earnest. That process of bargaining which we now speak of

as oriental, in which each seller cries up his wares with all the ingenuity within him and in which each barterer returns the compliment with equal vehemence and disregard of the verities, in the course of time developed. As exchange transactions became more numerous and the merchant depended upon volume of business instead of upon the margin of profit in single transactions for the success of his commercial enterprise, the method of propaganda in business changed, but it became scarcely less fraudulent in character, using the term in that broad sense in which we have defined it here. Modern advertising, in all its varied forms, and high pressure personal or mass salesmanship may be more truthful with respect to the visible merits of the goods offered, but they create a great mass and a wide reach of imponderables which serve as a background of motivation to the purchaser and are no less fraudulent than the older methods of direct misrepresentation. Among such are the insurance salesman's appeal to fear of death or the love of members of one's family which he exploits in his own interest, the emotions of envy and jealousy of neighbors and the desire to emulate our social competitors in the social game which the car salesman or the real estate dealer employs, or the more or less subtle appeal to sex or some form of exhibitionism made by other purveyors of wares. Salesmanship is still using propaganda in support of sales intended to promote solely the interest of the purveyor rather than of the purchaser, and that is the essential practice of moral, if not of legal, fraud.

The Rapid Recent Growth of Propaganda. The art and the prevalence of propaganda are alike growing in modern life. The effort of one group to exploit another is becoming feverish and one of the chief elements in the cost of living has come to be the price we pay for this propaganda, which is always passed on to the material or the spiritual consumer. Even the choice of a breakfast food cannot be made without an army of advertising writers and of radio speakers, a blanket of newspaper and magazine advertising that covers the earth, and a barricade of bill boards that defend us from beauty and offend us with the sense of our enslavement to propaganda, and along with the package of food that we finally select, or are bamboozled into buying, comes the bill for all this ballyhoo that is forced upon us body and soul. But this is not the worst of it. Through advertising propaganda in the press, on bill boards, and on the radio, through pamphlets, private conversation and "whispering campaigns," we are taught openly and publicly all of the vices and are made to believe they are virtues. So well are we propagandized in this direction in our day that one who refrains from the patronage of the vices is regarded as queer, and if he dares to defend his abstinence against overwhelming propagandized public opinion, he is sure to be dubbed as narrow minded and "Puritanical." Propaganda

is rapidly mounting to the throne of the dictator, not only in the realms of politics and business, but even in the spheres of art and morals, and too often it comes clad in the purple of Fraud.

In religion and politics it is much the same. Propaganda in these fields never has depended to any great extent upon the presentation of established fact, although this method is now much more frequently employed than ever before. In earlier times religious propaganda was reinforced by fear — fear not only of the supernatural, but also of the priestly and the civil powers. The priest had the formula of magic to support and reinforce him, and the civil ruler wielded the sword and the dagger at the behest of his priestly brother. Fear is still used by the orthodox religious propagandist, but favors are now found to be more effective conditioners to faith in the dogmas of religion. It seems to be generally accepted that orthodox ecclesiastical religion has declined in its moral effectiveness and that its propagandistic power is waning. It still has one great recourse, however, that of shows and pageants, which it uses as effectually as possible. But in this, too, it has been outdone by its commercial and political rivals. It seems clear that the church must change its creeds and purposes.

In current political campaigns we see little else but propaganda of one form or another. All of the avenues and instruments of propaganda, ancient and modern, are utilized, and ordinarily with a high degree of success. Political shows rival those of business and far surpass those of orthodox religion. It requires several millions of dollars to elect a president, even in relatively calm times, and as a consequence he and his fellows in the government are "well selected" and "put over" with all the available machinery of modern propaganda. Party programs are constantly supported by propaganda after election. Modern dictators are also supported and made palatable as far as possible by propaganda supplemented by imprisonment, purges, and murder, and censorship. Censorship of opposing propaganda, and even of contradictory fact, has become an essential accompaniment of successful propaganda. Possibly, as the volume and efficiency of propaganda increase, we may come to be ruled almost entirely by propaganda. Propaganda is clearly in the ascendant as a mode of social control.

The Problem of the Control of Propaganda. Much or most of the propaganda we have described or referred to here is fraudulent propaganda, in the general ethical sense in which we have used that term, although but little of it has been declared illegal. Propaganda cannot be made illegal, no matter how injurious it may be to the public welfare, until the masses of the people become aware of its harmfulness and develop moral indignation against it. Propaganda itself guards against any such eventuality as well as it can and sees to it that the people like

the mental food they are fed upon. It is much easier to escape from the clutches of fraud unaided by propaganda, and especially by the modern mechanized armies of propaganda, than from propaganda employed in the support of fraud. The two together constitute an almost invincible team.

Some say that the only remedy for the evils of control by propaganda is to fight propaganda with propaganda. This sounds somewhat like the old method of fighting fraud with more fraud, which was ineffective as a remedy for fraud. We do fight propaganda with propaganda, with the result that our mental and cultural worlds have become largely battlefields of lies and half-truths. Such a contest only confuses the average mind and complicates the social control problem, unless we can find some method of acquainting the masses of mankind with the relative merits of propaganda campaigns. Perhaps ultimately this can be done, unless propaganda comes to dominate completely our objectives in research and our mechanisms and processes of instruction.

But if it should be possible to teach people to choose between fact and fiction, truth and falsehood, in propaganda, there is still the problem of financing the good propaganda. Bad propaganda is self-supporting and in addition pays a profit on the investment, for it aims at the exploitation of others. Like bad government, it pays its way and enriches its sponsors, although it impoverishes and degrades the masses of the people. But propaganda for worthy public ends, based on fact, like good government, usually pays little or no private dividends, and therefore must be financed as a philanthropic venture, if at all. The masses, whom it could benefit, are usually so propagandized in the opposite direction that they cannot perceive its advantages before the fact, and as a consequence they do not support it. The result is that good propaganda nearly always lacks adequate financial support and has an unequal fight on its hands in order to make itself heard.

5. **Control through Scientific Fact.** The fifth and last form of social control that so far has made its appearance in the arena is control by means of the weight of ascertained, scientifically verified fact. As yet this method of social control is in its infancy. In so far as men, governments, religions, and economic systems do and can base the determination of their policies upon ascertained facts their procedures are sound. This is coming to be increasingly recognized in modern society, with the result that applied science is rapidly moving in the direction of becoming the basic social control, as indeed it should be. But the replacement of the less desirable social controls by applied science is not as easy as at first blush it might seem to be. There are two major problems involved in securing the triumph of this better system of social control. One is intellectual and the other is moral. Let us consider each in its turn.

The Knowledge Problem. The intellectual problem is to induce people to prefer a calm, deliberate choice on the basis of fact to an emotional one on the basis of organic or cultivated desires. If people automatically chose fact in preference to fancy, or policies supported by common sense and laboratory and statistical demonstration to those urged on them by their appetites as guides, the only problem in social control would be to fill the world full of facts and make them as generally known as possible. This was the basic aim of the sociology of Lester F. Ward, and it was the fallacy of the wise man-good man, ergo good-state theory of Socrates and Plato. Men may be wise in formal knowledge and still foolish in their behavior.

Also, an even more important consideration must be recognized in this connection. Most of our patterns of overt behavior are formed before we have had a chance to gather knowledge as to their validity, or at least under conditions of emotional pressure which prevent our abstract knowledge of proper procedure from taking effect in the control of our external conduct. Thus we either learn our unhygienic habits of eating and drinking, of bodily behavior, and our immoral and unintelligent habits of yielding uncritically to innate or acquired appetites before we have developed adequate critical power regarding them, or under conditions in which we are least capable of exercising the knowledge we possess. It is sufficiently clear therefore that men and women, as well as children, are not rational creatures in the main, but are for the most part the victims of their emotions and desires, which exert over them a stronger and more dynamic control than does their scientifically tested knowledge. In order that we may advance to an objective scientific standard of social control with which to replace the older and less desirable forms of social controls, it will be necessary to find some method by which to render scientific knowledge effective as an energizer when it is possessed.

The Problem of Wise Choice. This is our second or moral problem in social control. How can we induce men to choose the better line of conduct when they once are made aware of it to the exclusion of the worse types to which their appetites and desires have been conditioned? The most obvious answer is: by the use of propaganda; convert them. That is the method that the church has used from early times to turn men from their evil ways and make them good. Perhaps it was more effective in the days before this type of propaganda was compelled to contend so strenuously with propaganda in support of highly profitable commercialized amusements, which so often result in making men bad for the sake of private profit. All of the difficulties pointed out above now work against it. Even the church finds that its converts won by propaganda are liable soon to yield to stronger and more insistent con-

trary propaganda and fall back into sin and moral turpitude. Some other way must be found — perhaps a slower, but more effective because a more fundamental, method psychologically.

The only method of securely conditioning the average man always and habitually to choose the better and the wiser course of conduct for himself individually and to reject biased propaganda that works to the harm of society at large is to subject him from early years to a long and persistent familiarity with established fact and to render this fact effective in the control of conduct by means of a functional practical type of education. In other words, the problem is an educational one, not in propaganda, but in living. The educational system, including home, school, community, press, radio, movies, and all the other educational agencies, must be brought to bear upon the child from infancy to condition in him the right habits as diligently and as persistently as now the wrong habits and ideas are conditioned in him by an unscientific custom and tradition and by propaganda. It is a struggle between two systems of behavior, of life, and the battle must be fought out by scientifically controlled education, on the one hand against ignorant tradition and custom, and against perverted propaganda on the other. In this process two objectives must ever be kept in view. One is to place the individual constantly under control of more accurate and a more adequate volume of scientific knowledge, and the other is to make this knowledge functional in the guidance of personal conduct and of choice of social policy by deepening and facilitating the connections between thought and action. This second process of conditioning involves a radical change from our old emphasis upon education as a process of instilling symbolic knowledge primarily over to one of making the expression of symbolic knowledge in concrete practical behavior the chief end of education. Modern theories of education all tend in this direction. Thus it may be said that the problem of arriving at the final form of social control through adequately tested and dependable, or scientific, knowledge is one of an intelligent and socially planned education. Whether such a system of education may be achieved in spite of adverse propaganda is yet to be determined. But some progress in that direction is now being made.

Gradual Decline of the Use of Force. Force has gradually diminished in importance in social control, as will indeed become abundantly clear from the chapters that follow. As the crude use of force has diminished, threats and intimidation, fraud and exploitation by more indirect methods, intrigue, manipulation, deception, magic in its multifold forms, deceptive propaganda, and many other milder devices have come to be more and more important. But these in turn have begun to give way, and in many of their worst aspects are now largely outlawed,

owing to the headway that is being made by the new ethical criteria of social justice and social welfare in social control.

Some partisans of the ethical criteria of social control have asked the question whether force, fraud, deception, and similar controls will not some day disappear entirely before the application of improved ethical standards. It is to be hoped that fraud and deception and kindred controls will in time be abolished, just as magic tends to disappear before the enlightenment brought by science and the greater efficiency of a scientific technology. But it is scarcely likely that force will be eliminated entirely from the social control process. Force is not necessarily evil in itself. There will probably always be residual situations in which force must be employed upon certain types of persons and groups in behalf of scientifically determined good social objectives, because it will not always be possible to motivate all persons by ethical considerations. But undoubtedly the use of force in social control must decline in proportion as men come to accept the ethical criteria of social control and become adequately informed regarding the best methods of achieving this social welfare end. The decline of the employment of force and similar devices of social control over a considerable period of time in the nineteenth century showed a noticeable correlation with the rise of science as well as with the adoption of ethical criteria. In fact, an increasing body of evidence seems to justify the contention that the growth of science in general, and of social science in particular, are the best aids to the establishment of ethical criteria.

The Evolution of Force into Fraud. This correlation of the decline of the use of force with the growth of science is undoubtedly in part the result of the increasing complexity of social organization and the greater difficulty of exercising social control directly. Violence works best as a control at short range. It is most powerful at the end of the fist or of a club. It may still be extended successfully as far as a spear can be thrown or an arrow shot. But after that, planning, manipulation, intrigue, deception must be brought in to complete the control adjustment through violence. There must be go-betweens or agents in order to exercise control through violence at a distance. Symbolic methods or language become important media in such long distance controls by force as raids, rapine, riots, revolutions, and war. War especially involves a large employment of these secondary and supplementary controls which support violence. Fraud, deception, and trickery, and all sorts of symbolic devices auxiliary to force and violence, grow up around the institution and practice of war. The coming of control through magic and the appeal to the supernatural does not banish these auxiliary symbolic and intellectual control devices, but it rather makes possible a wider use of them.

It seems very likely that the development of social control through appeal to and manipulation of the supernatural itself grew out of the use of fraud, deception, intrigue, trickery, and the like. For while the use of magic in social control might conceivably be, and doubtless often was, based on a sincere conviction of its utility and legitimacy, it was also frequently employed consciously as a device for exploitation. Indeed, fraud and deception, and kindred devices, must usually have seemed much gentler modes of control than violence, and obviously, they were. Fundamentally, they were essentially as just, and possibly even more just, because their employment sometimes made it possible for the weak to win at the expense of the strong; and undoubtedly the weak must sometimes have had justice (as viewed from a modern ethical standpoint) on their side. Thus it is entirely possible to maintain the thesis that the degradation of force into fraud and kindred deceptions and indirections, as social control came to be a long distance affair instead of merely a local matter, marked an evolution in the direction of an ethical criterion of social control, although we could not regard these controls as in themselves ethical. They may perhaps be more properly regarded as remotely preparatory to the ethical criterion rather than as a manifestation of its direct application to the business of social control.

The Plan of the Book. The emphasis of the last two chapters might possibly lead the reader to suppose that it is the intention of the author to present a history, or at least a synthetic sketch, of the evolution of the criteria and the devices of social control. Such is not the primary intention. Rather it is our purpose to present in a fairly fundamental manner a comprehensive picture of the pattern of the whole field of social control from the sociological standpoint. The chief emphasis is upon the general methods of social control rather than upon the specialized techniques. The situations and forms of social control rather than the detailed devices are given primary attention. The criteria of social control are also represented in connection with the description of the most outstanding methods and circumstances of social control. It has seemed best to arrange the subject matter in the order of the approximate historical or cultural development of the various forms and criteria of social control. This method of presentation is certainly preferable to any confused or reversed ordering of the data of social control. In this way it is possible to observe the logical as well as the factual relationships of the several forms and criteria of social control. The logical order of presentation renders it possible the better to observe the factual relations of the subject.

The order of treatment is as follows: (1) An examination of the various outstanding forms of the application of force to social control;

(2) An analysis of exploitation through the use of fear and intimidation, fraud, graft, misrepresentation, intrigue, manipulation, suppression, censorship, deception, and like social controls which supplement and in some degree mollify the severity of control through force; (3) Control through revolution and non-violent coercion; (4) the effects of regimentation and standardization; (5) control through an appeal to and manipulation of the supernatural, emphasizing especially the method of magic; (6) the use of ethical criteria and appeals in social control; and (7) the employment of custom, law, legislation, and education in an effort at social betterment and the proper ordering of conduct and social relationships. This arrangement of our subject matter will be found to be in close conformity with the general outlines of both the criteria and the succession of forms of social control presented in this and the immediately preceding chapter. In fact, these two outlines should be taken as our guides in examining the sociological data of social control in the second and third parts of this book. In the actual treatment the general outlines are expanded into chapters representing subdivisions of some of the topics.

Sociological Gradients or Trends in Social Control. From what has been said, and from what will follow in subsequent chapters, it may be seen that the subject of social control may be looked at from the standpoint of gradients or relative trends as well as from that of the cross-section organization and subdivisions of the subject set forth earlier in these introductory chapters. The gradient is a dynamic concept of movement or trend. It serves to indicate the direction in which an object, a system, a social concept, or process is moving. In the field of physics a gradient is represented by the trend of movement of material objects responding to a field of gravity, as an object rolling down an inclined plane. In biology there are gradients in the evolution of physiological forms in response to environmental or biochemical selective factors rather than in response to forces of gravitation. In sociology we may speak of gradients or trends of movements or succession in social phenomena in response to environmental factors operating to produce social selection. Thus a gradient or trend may be predicated in any situation or relationship where there is to be observed any regular ascending or descending series of relationships with respect to the objects or data which are being considered. Viewing the subject matter of social control as treated in this volume, two well-defined types of gradients or trends are apparent. One of these may be described as sociological and the other as psychological.

The sociological gradient has already been described in general. This sociological gradient in social control may be indicated more specifically in terms of the gradual development of the methods of social

control from those of force to the use of fear and intimidation; thence to fraud and various methods of deception, including the exploitation of belief in and fear of the supernatural powers and personalities; the employment of custom and convention as sanctions in social control, including an appeal to ritual; the utilization of regimentation and standardization; the introduction of utilitarian and ethical sanctions and their embodiment in law and administrative regulations and supervision; and finally, the application of scientific criteria and procedures. In general, although not always in detail, we shall follow this sociological gradient in developing the theme of social control in the following chapters. Within each typical mode of social control as set forth in the general gradient or trend outlined above we shall also be able to discover secondary gradients. Attention will be called to some of these subsidiary sociological gradients in the course of the treatment of the subject matter.

Psychological Gradients or Trends. Likewise, we may discover a general psychological gradient or trend in the historical development of methods of social control. This may be stated as a two-fold tendency toward a greater analytical consciousness of ends or objectives in the development of social controls and of the methods employed in order to secure these ends or objectives. The earliest objectives in social control are primarily appetitive, or the satisfaction of physical and primary emotional wants or desires. But gradually, as a better and a more intellectual analysis of the adjustments desired are made by the adjusters, more distant and detached ends enter into the purposes of social control; and finally, idealism appears to set the end of adjustment in social control. Thus the welfare of other individuals, of the tribe, the nation, and even of mankind as a whole, successively become the chief objectives.

Along with this process of constantly analyzing and intellectualizing and socializing the *objectives* of adjustment in social control, there is a concomitant process of analyzing, intellectualizing, and socializing the *means* or *methods* used in attaining the ends of social control determined upon. At first the means are unreflective, almost instinctive and emotional, as in the use of force. But gradually they develop a low form of intellectual analysis in perceiving the value of inspiring fear and of using methods of intimidation. Then come cunning, trickery, intrigue, and various other underhand methods of exploitation by means of fraud as defined in this chapter. Finally, open and above-board methods of employing accumulated wisdom and new discoveries in science become the approved techniques of bringing about the desired socialized adjustments raised to an ethical plane. The old methods persist, of course, but the new and more intellectualized and moralized procedures

grow in relative importance and volume. Within each of these psychological techniques we also find subsidiary psychological gradients or trends, just as is the case with sociological gradients. Some attention will be given to each of these types of psychological gradients in its proper place or subdivision. But our chief attention will not be upon psychological or sociological gradients as such, but rather upon the whole field of social control and upon the methods used in order to achieve the major objectives desired.

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Part II

THE EXPLOITIVE SOCIAL CONTROLS

We have chosen to approach the treatment of the sociological aspects of social control from a double standpoint: that of social control for purposes of exploitation of the controlled and that of social construction or social reconstruction. Thus Parts II and III of this book are entitled "The Exploitive Social Controls" and "The Constructive Social Controls," respectively. By exploitive social control is meant the exercise of control in the interest of those who direct the control instead of in the interest of those who are controlled. By constructive social control is meant the exercise of control in the interest of society as a whole and of the individual members of society instead of for their exploitation.

It has already been made apparent that there are two main general historical trends in social control. One of these is with reference to the means used in exercising control. The earliest social controls were in the nature of individual control by means of force or violence. This type of social control originated among animals and was adopted by early man from his prehuman ancestors. Force or violence is still extensively employed as a means of control, but there is evidence that in the long run it is less in vogue now than formerly, in spite of recent developments to the contrary. The early chapters of Part II describe the methods of using force for control purposes. But violence comes in the course of time to be mellowed into intimidation and into fraud used for control purposes. Accordingly the chapters next in succession in Part II illustrate these methods of exploitation. The forms of fraud when employed as a method of social control are numerous indeed. They embrace fraud supported by violence and intimidation on the one hand and many forms of fraudulent persuasion on the other hand. The most conspicuous form of fraudulent persuasion in our time is misrepresentative propaganda, including deceptive and high power salesmanship, misrepresentation and overweighting of facts, and downright falsification of data and of attitudes. Fraud may also be classified as tolerated fraud, moral fraud, and legal fraud. The last two types of fraud are punished in our society; the last by legal prohibitions and legal penalties, and the second by moral condemnation and moral ostracism. Usually the first type — the tolerated — is recognized as fraud, but is "winked at," be-

cause as yet adverse public opinion is not sufficiently strong to secure its penalization. Because control by fraud has been so important historically and is still so frequent, several chapters of Part II have been devoted to the analysis of its various forms and techniques. The chapters bearing the specific title Exploitation are concerned mainly with fraudulent types and techniques, but the cases are so arranged as to emphasize the exploitive purpose of these controls. It is believed that such an arrangement will have a certain pedagogical value in clarifying various aspects of the control situation. The final chapter of Part II also deals largely with fraudulent methods of social control, but with the difference that the techniques discussed in this chapter are indirect and for the most part negative rather than positive, as are those treated in the preceding chapters.

Thus in Part II the general movement is from the concrete direct and positive or coercive controls by force to the more or less abstract and indirect or negative and persuasive controls by fraud. The reason for this method of presentation of our data is that in general the techniques of social control have developed in this direction historically, and furthermore that such a treatment best prepares us for the presentation of the materials in Part III. It is of course not contended that there has been an invariable historical trend in this general direction, and much less that future trends will inevitably continue in the same direction. It is our purpose here to present the facts of social control as we find them. But it does seem quite clear that hitherto there has been a marked movement, perhaps interrupted or modified now and then, from crude coercion by violence toward persuasion. This trend is logical as well as historical, and the logical aspects are more emphasized than the historical in the treatment of this volume.

Chapter IV

SOCIAL CONTROL BY MEANS OF FORCE

A Simple and Direct Control. Supposedly the most primitive of all methods of control is the use of force. It is the least subtle and usually the simplest of all controls. Although force has been employed in the control of all types of people, it is a device peculiarly fitted to dominate persons of low intelligence, of but little constructive imagination, and those unacquainted with the language of the controllers and with subtler devices of communication. It is used especially upon the lower animals and has always been employed largely upon "natives," enemies, the "common people," slaves, servants, and employes generally. It is much less in vogue now than it was in very early times, but the frequency of its employment in modern times is still so great that it deserves careful attention among the various techniques of social control in use today. Resort to force, at least as a military control, has increased considerably in the last few decades, or at any rate the new forms in which it has been employed have served to call attention to its use in such a manner as to give the appearance of an increase of employment. In this and immediately succeeding chapters five major and several supplementary forms of the employment of force as techniques of social control are distinguished, and we endeavor to make clear the social significance of each of them.

Gradients in the Use of Force. In Chapter III mention was made of the existence of gradients or trends in the development and in the application of social controls. Aside from the general or inclusive gradients which we find connected with the whole range of social controls, we may also detect certain well defined supplementary gradients or trends in connection with the various forms of the use of force for control purposes. In the present chapter a subsidiary sociological gradient is clearly apparent. The first five forms of the use of force here described — (1) by individuals for personal ends, (2) in the service of private groups, (3) by factions for quasi-public ends, (4) by organized and legally legitimate political or other groups against recalcitrant members, and (5) by one political or other sovereign group against another, as in international warfare — constitute an ascending series, in which the gradient or trend should be described in terms of the increasing generality and abstractness or derivativeness of the units involved in the control process.

The most elementary and concrete situation in which force may be used as a control is that in which it is employed by individuals for personal ends. Slightly more general or abstract is the situation in which private groups use force for their own ends. When the unit is an organized group or faction and its ends socially recognized, the concrete or primary character of the appeal to force disappears. Legitimate political or other socially sanctioned groups, using force as a means of maintaining their integrity or social position and prestige, represent a next step in abstraction or social generality. Organized warfare, in which the units are nations, illustrates a highly derivative form of the use of the force technique. The last two forms of the use of force treated in this chapter — the employment of force against the opponents of force, and the use of violence as a method of ending the use of force, so often advocated at the present time — are not to be regarded as coordinate units in the sociological gradient applying to the employment of force mentioned above, but rather as secondary applications of force incidental to any and all of the types of control by force included in the above mentioned gradient. They are discussed here because of their practical significance for current social control practices, rather than because of their theoretical significance for a systematic treatment of the subject of social control by force.

1. **The use of force by individuals for personal ends** is so ancient in origin that it antedates man. In fact, it is much more frequently resorted to by the lower animals than by man. Examples of the employment of force for personal ends are still so common that it should not be necessary to offer illustrative cases here. It is assumed that every one is thoroughly familiar with personal attacks with the bare fists, with weapons, or by other means, originating because of rivalry, cupidity, fear, lust, hatred, or anger due to any cause whatever. Brutal personal attacks are now less common than formerly, owing to the rise of other methods of coercion or retaliation. Employes are now treated with much less physical severity, since other appeals to exertion have been invented and the social and political status of working men has been raised to a greater degree of independence. The discipline of soldiers and of other regimented groups has been mollified in the direction of psychological controls. It is even the custom to treat domestic animals with considerably less severity. The duel and the use of the dagger are giving way to the employment of legal procedure for the adjustment of personal difficulties as men become more cultivated and civilized, as the general use of intoxicants diminishes, and as courts become less corrupt. Even the hold-up man plies his trade much less frequently as an individual. Perhaps in no other phase has the use of force so markedly declined as in that of its employment for purely personal ends.

Yet occasionally there occur such shocking instances of the employment of physical violence, even in our modern society, that they challenge the attention of every one. One of these cases we present here, because it seems to represent the practice at its worst and therefore may be used as an outstanding example of how not to use force as a method of social control. The story is told in direct simple English by Miss Willie Sue Blagden, social worker of Memphis, who received the beating.[1]

This area is completely terrorized because of the share-croppers' strike and everyone knows it.

I am a member of the Socialist party but I am not very active. However, I am interested in the strike. I want to see everyone get a square deal.

The Rev. Claude C. Williams of Little Rock is a friend of mine. He told me he was going to Earle, Ark., and asked me if I wanted to go along and I said, "Of course."

We got to Earle about 4 o'clock in the afternoon and went to the school house where he expected to meet someone. We stopped and had a soft drink in a drug store and waited about an hour but no one came.

Then a car drove up with six men. Five of them were dressed nicely in summer whites and looked like fine men. One of them was rough-looking, like a foreman. They asked us who we were and what our business was in Earle.

Mr. Williams told them he had been asked to conduct a funeral.

Suddenly one of the men got in the front seat of our car and one got on either side and they said: "Drive straight ahead."

We went about a mile and crossed over a wooden bridge which was over a ravine near a soy bean field. They made us get out of the car and they searched the car. They said they were looking for "literature." All they found were some teachers' petitions in connection with the teachers' union to which Mr. Williams belongs.

They questioned us again and demanded to know who we were to see in Earle but we couldn't tell them because we didn't know.

Mr. Williams said he simply came to preach a funeral service. One of the men said: "This is the South and no white man preaches at a Negro funeral."

Mr. Williams said he didn't refuse to preach for anyone because of color.

One man said: "Listen — we'll make you tell the truth."

They put me back in the car and one of the men remained with me, staring at me.

The others marched Mr. Williams down to the river bottom. One of them went across the field and came back with what looked like the belly strap for a mule.

As I sat there, I heard voices and a crash like a tree falling. There were 14 crashes — I counted them and I knew what they were. Mr. Williams didn't make a sound until the last one. Then I heard him groan.

They brought him back. He was pale and shaking and his face was wet with perspiration. One of them said: "Now it's your turn."

I laughed. I couldn't believe it. I said: "This is ridiculous." They took me down where they had taken Mr. Williams. They were very gallant, lifting barbed wire out of my way and pushing back branches for me. I laughed at them and said "Thank you." The whole thing was amazing.

[1] From the St. Louis *Post-Dispatch*, June 17, 1936.

They asked me: "Now tell us — whom did you come to see in Earle?"

I told them again I didn't know.

Then one of them said: "Get down on the ground."

I refused and then they started hitting me with the strap. It hurt but I didn't make a sound. I wouldn't cry. I stood straight up all the time. They hit me on the thighs and back about five times. I have five marks on me. Three are big bruises.

I said: "There are five of you and I am a woman and this whole thing is ridiculous. I've heard about things like this but I never believed they happened."

One of them said: "Well, you can believe it now and you'll keep out of Earle."

They took me to the Earle railroad station and told the station-master to put me on the train to Memphis. They drove off with Mr. Williams and I haven't heard from him since. The station-master didn't know what it was all about and he saw that I got on the train.

An Apology for the Beating. The motives for the beating described above are brought out in the Associated Press dispatch which follows and are stated in the words attributed to the local newspaper. This statement will serve to indicate what sort of emotional experiences and attitudes may lead to such violence. Many such beatings were reported to have occurred in the Northwest during the height of the Non-partisan League agitation some two decades or more ago, when local merchants and professional men were attempting to prevent the farmers from organizing. Similar violence was often inflicted by the Ku Klux Klan in the days when it flourished. The Arkansas apology follows.[1]

The Earle, Ark., *Enterprise* said today whipping "has produced results" in eliminating cotton labor agitation where other methods failed and "there is no sharecroppers' strike in Earle."

The newspaper asserted that "for months foreign agitators" had been "stirring up unrest and causing much ado about nothing among the laboring classes," but both tenants and farmers will harvest their crops and make money.

"Tenants are all on the job and day laborers are plentiful and glad to work for 75 cents a day instead of $1.50 demanded by the union," the newspaper said.

"It is true that a few foreign agitators representing the Southern Tenant Farmers Union have felt the sting of a backband applied where it would do the most good. This method has produced results where all other remedies less drastic have failed." . . .

The *Enterprise* commented: "The greatest hue and cry arises from the fact that a white woman was forced to endure the indignity of a light whipping. Opinions vary as to the wisdom of this act. It is hard for us to condone the action. However, there is no doubt but that the woman was completely out of her place. Assisting in conducting a Negro funeral is no job for a white woman in the South, especially a 'mock' funeral over a Negro."

2. **The appeal to force in the service of private groups** is also generally supposed to have greatly diminished, although we still find many striking current examples of it. Cases in point are most obviously apparent

[1] From the St. Louis *Post-Dispatch*, June 23, 1936.

in the various gangster activities of our day, which seem to be largely on the increase due to the aid they receive from machine guns and the automobile. Examples of this sort of enterprise are so frequently portrayed in the daily press that no detailed cases need be presented in the selections that follow. Almost the same may be said of the use of violence by industrial companies in suppressing strikes. While various secret organizations, or "black hand" societies, such as the Carbonari, the Camorra, the Ku Klux Klan, or the White Caps, may have had a wider civic basis for their activities than the usual run of gangster societies, they doubtless frequently, and possibly habitually, have stooped to the use of violence for purely personal and unworthy ends. Kidnapping gangs, feudists, lynching parties, and vendetta organizations generally have used crude force for private ends either entirely or in a large proportion of instances. We shall confine ourselves to the recording of a single case, that of the activities of a family of robber barons, a survival of the old regime in France. While this case is taken from fiction, there is every reason to believe that it was based on current local tradition in the time of the author, and that the description is essentially true to the facts. It runs as follows.[1]

At that time my grandfather, along with his eight sons, formed the last relic in our province of that race of petty feudal tyrants by which France had been overrun and harassed for so many centuries. Civilization, already advancing rapidly towards the great convulsion of the Revolution, was gradually stamping out the systematic extortions of these robbers. The light of education, a species of good taste reflected, however dimly, from a polished court, and perhaps a presentiment of the impending terrible awakening of the people, were spreading through the castles and even through the half-rustic manors of the lordlings. Ever in our midland provinces, the most backward by reason of their situation, the sentiment of social equality was already driving out the customs of a barbarous age. More than one vile scapegrace had been forced to reform, in spite of his privileges; and in certain places where the peasants, driven to desperation, had rid themselves of their overlord, the law had not dreamt of interfering, nor had the relatives dared to demand redress.

In spite of the prevailing tone of mind, my grandfather had long maintained his position in the country without experiencing any opposition. But, having had a large family, endowed like himself with a goodly number of vices, he finally found himself pestered and besieged by creditors who, instead of being frightened by his threats, as of old, were themselves threatening to make him suffer. He was obliged to devise some means of avoiding the bailiffs on the one hand, and, on the other, the fights which were continually taking place. In these fights the Mauprats no longer shone, despite their numbers, their complete union, and their herculean strength; since the whole population of the district sided with their opponents and took upon itself the duty of stoning them. So, rallying his progeny around him, as the wild boar gathers together its young after a hunt, Tristan withdrew into his castle and ordered the drawbridge to be raised. Shut up with him were ten or

[1] From George Sand, *Mauprat*, pp. 11–15.

twelve peasants, his servants, all of them poachers or refugees, who like himself had some interest in "retiring from the world" (his own expression), and in finding a place of safety behind good stout walls. An enormous pile of hunting weapons, duck-guns, carbines, blunderbusses, spears, and cutlasses, was raised on the platform, and the porter received orders never to let more than two persons at a time approach within range of his gun.

From that day Mauprat and his sons broke with all civil laws as they had already broken with all moral laws. They formed themselves into a band of adventurers. While their well-beloved and trusty poachers supplied the house with game, they levied illegal taxes on the small farms in the neighbourhood. Now, without being cowards (and they are far from that), the peasants of our province, as you know, are meek and timid, partly from listlessness, partly from distrust of the law, which they have never understood, and of which even to this day they have but a scanty knowledge. No province of France has preserved more old traditions or longer endured the abuses of feudalism. Nowhere else, perhaps has the title of the lord of the manor been handed down, as hitherto with us, to the owners of certain estates; and nowhere is it so easy to frighten the people with reports of some absurd and impossible political event. At the time of which I speak the Mauprats, being the only powerful family in a district remote from towns and cut off from communication with the outside world, had little difficulty in persuading their vassals that serfdom was about to be reestablished, and that it would go hard with all who resisted. The peasants hesitated, listened timorously to the few among themselves who preached independence, then thought the matter over and decided to submit. The Mauprats were clever enough not to demand money of them, for money is what the peasant in such a district obtains with the greatest difficulty, and parts from with the greatest reluctance. "Money is dear," is one of his proverbs, because in his eyes money stands for something different from manual labour. It means traffic with men and things outside his world, an effort of foresight or circumspection, a bargain, a sort of intellectual struggle, which lifts him out of his ordinary heedless habits; it means, in a word, mental labour, and this for him is the most painful and the most wearing.

The Mauprats, knowing how the ground lay, and having no particular need of money any longer, since they had repudiated their debts, demanded payments in kind only. They ruled that one should contribute capons, another calves, a third corn, a fourth fodder, and so on. They were careful, too, to tax judiciously, to demand from each the commodity he could provide with least inconvenience to himself. In return they promised help and protection to all; and up to a certain point they kept their word. They cleared the land of wolves and foxes, gave a welcome and a hiding-place to all deserters, and helped to defraud the state by intimidating the excise officers and tax-collectors.

They took advantage of their power to give the poor man a false notion of his real interests, and to corrupt the simple folk by undermining all sense of their dignity and natural liberty. They made the whole district combine in a sort of secession from the law, and they so frightened the functionaries appointed to enforce respect for it, that after a few years it fell into a veritable desuetude. Thus it happened that, while France at a short distance from this region was advancing with rapid strides towards the enfranchisement of the poorer classes, Varenne was executing a retrograde march and returning at full speed to the ancient tyranny of the country squires. It was easy enough for the Mauprats to pervert these poor folk; they feigned a friendly interest in them to mark their difference from the other nobles in the province whose manners still retained some of the haughtiness

of their ancient power. Above all, my grandfather lost no opportunity of making the peasants share his own hatred of his own cousin, Hubert de Mauprat. The latter, whenever he interviewed his vassals, would remain seated in his arm-chair, while they stood before him bareheaded; whereas Tristan de Mauprat would make them sit down at his table, and drink some of the wine they had brought him as a sign of voluntary homage. He would then have them led home by his men in the middle of the night, all dead drunk, torches in hand, and making the forest resound with ribald songs. Libertinism completed the demoralization of the peasantry. In every family the Mauprats soon had their mistresses. This was tolerated, partly because it was profitable, and partly (alas! that it should have to be said) because it gratified vanity. The very isolation of the houses was favourable to the evil. No scandal, no denunciation were to be feared. The tiniest village would have been sufficient for the creation and maintenance of a public opinion. There, however, there were only scattered cottages and isolated farms; wastes and woods so separated the families from one another that the exercise of any mutual control was impossible. Shame is stronger than conscience. I need not tell you of all the bonds of infamy that united masters and slaves. Debauchery, extortion, and fraud were both precept and example for my youth, and life went on merrily. All notions of justice were scoffed at; creditors were defrauded of both interest and capital; any law officer who ventured to serve a summons received a sound thrashing, and the mounted police were fired on if they approached too near the turrets. A plague on parliament; starvation to all imbued with the new philosophy; and death to the younger branch of the Mauprats — such were the watchwords of these men, who, to crown all, gave themselves the airs of knights-errant of the twelfth century. My grandfather talked of nothing but his pedigree and the prowess of his ancestors. He regretted the good old days when every lordling had instruments of torture in his manor, and dungeons, and, best of all, cannon. In ours we had only pitchforks and sticks, and a second-rate culverin which my Uncle John used to point — and point very well, in fact — and which was sufficient to keep at a respectful distance the military force of the district.

3. **The use of violence by factions for quasi-public ends** is of much greater significance in our day. We are not here referring to that highly organized form of the employment of force which we call revolution. This device for control will be treated in Chapter XIII. There is a more spontaneous and a less calculated appeal to force for semi-public or wholly public, but for non-legal and non-governmental, ends that is quite significant in our society. It has grown up especially since the modern increase of participation by the masses in political activities and in modern large scale production on an industrial basis. Such acts of violence usually arise where there is no readily available or impartial tribunal which will guarantee a fair or immediate settlement of the question at issue. Such acts of violence are ordinarily marked more by passion than by cool and rational deliberation. They may occur in industrial, political, religious, racial, or in any other disputes.

Personal Political Violence. The first case of this sort is taken from recent French politics, where fist fights often occur between contending factions within the Chamber of Deputies itself. In this case, however,

the factional violence occurred outside the Chamber, on the streets of Paris. The man attacked later became Premier of France. The incident is described as follows.[1]

One morning last week, a black Citroen limousine rolled along the Rue de l'Universite in the Latin quarter of Paris. Behind the wheel sat Georges Monnet, Socialist Deputy. In the tonneau his plump wife chatted with Leon Blum, Jewish leader of the Socialist party.

At the Boulevard Saint-Germain the little car intercepted the funeral procession of Jacques Bainville, historian, journalist and Royalist enemy of Blum. Marchers included 50 young *Camelots du Roi* (King's Henchmen), the most belligerent monarchists in France.

"There's Blum!" someone yelled. Hot-blooded Camelots swirled around the machine, slapping it with Royalist canes, bawling insults at the Leftist chief. One aristocratic tough twisted off the rear license plate and splintered the rear window. Shattered glass slashed Blum's neck.

Other windows crashed in. Camelots slugged Mrs. Monnet and her husband who tried to protect Blum. Then the mob hauled the 63-year-old leader out of the tonneau and kicked him around the street. His broad-brimmed black hat, symbol of French Socialism, flew off. A Henchman snatched it up as a trophy.

Warfare of Factions. The second case to be described refers to the struggle of two politico-social factions in Guadalajara, Mexico, where there is frequently a resort to violence as a means of settling such questions as are here indicated. The people have little trust in the independence of courts and legislatures and perhaps even less in the good faith of administrative agencies. Also, there is a long tradition of violence in this country (as indeed there is in many other countries with similar unstable political and cultural conditions), which renders resort to the arbitration of force easy and attractive. The newspaper report, based on an Associated Press dispatch, follows.[2]

Troops patrolled the streets today to preserve order following a clash yesterday in which three persons were killed and eight wounded. Gov. Evarardo Topete said "fanatics and clerical elements" were responsible for the events that resulted in the killings.

A group of unidentified men opened fire from the balcony and roof of the Municipal Palace on a crowd of 3000 persons demonstrating against compulsory socialistic education. Students who had organized the protest meeting denied the clergy had any part in their campaign, and asserted that police and "red shirts" had done the shooting.

One of those killed was a prominent lawyer, Salvador R. Torres Gonzales, who lost his life when he stepped in front of a child to shield her from the shooting. The other victims were a student and a farm worker. Many women and children were among the paraders.

Police arrested 38 persons, 22 of them women, as organizers of the demonstration meeting, which they said was held without a permit. A crowd estimated at more

[1] From *News-Week*, Feb. 22, 1936, p. 17.

[2] Adapted from St. Louis *Post-Dispatch*, March 4, 1935.

than 15,000 attended the meeting in front of the university and listened to many speeches against the educational reforms of the local and national governments.

Then a part of them started to parade toward the palace. As they were arriving at the plaza the shooting began. While some witnesses said the shots came from the roof of the Government building, others said they came from a side street.

Violence in Strikes. The third illustrative case of this type of control by force has to do with more or less spontaneous labor strikes in the early summer of 1934. Labor groups apparently became convinced that the administration's pledges to labor were being betrayed by the NRA set up. As a consequence they resorted quickly and almost without warning to force as a method of defending what they considered to be their rights. This is a case in which violence was appealed to not by preference, but because the strikers believed — whether rightly or wrongly — that they were being betrayed by administrative officials operating in the interest of the employers. The following account states both the causes and the result of two of these quick action strikes.[1]

Three weeks ago Secretary of Labor Perkins boasted there was not a "first-class strike" in the country. Asked for an explanation, she said she meant there was no "head-busting."

Last week labor organizations from New York to San Francisco, Minneapolis to New Orleans, made the Secretary eat her words. Headlines screamed: "Two Die as Troops Fire"; "Dock Striker Killed"; "Deputy Dies from Clubbing." Labor served notice that it will mobilize its forces to gain union recognition. For the first time since 1919, there were serious threats of general strikes.

A deadly earnestness was abroad. Last summer unions held their fire, waiting for NRA to give them recognition. Last week's warfare showed that this summer they will try to get it for themselves, if need be at cost of broken heads and loss of life.

Toledo: Two lay dead, dozens maimed for life, and 200 in hospitals in Ohio. Six weeks of disagreement brewed six days of violence. The disagreement began the second week in April when 400 members of the United Automotive Workers of America, an American Federation of Labor affiliate, walked out of the Electric Auto-Lite plant. They demanded a 20 percent wage increase, a 40-hour week, and union recognition. They were joined by union men from the Bingham Stamping and Tool Co. and the Logan Gear Co.

Auto-Lite officials denied the men represented a majority union. Arbitration was suggested. But strikers refused to allow Leo Wolman's Detroit arbitration board to settle their differences, and companies refused to accept Senator Wagner's National Labor Board. A deadlock resulted. For six weeks union men picketed the factories. Week after week, tension increased. At length J. Arthur Minch, vice president of Auto-Lite, took action. He obtained an injunction against picketers from Judge Roy Stuart.

When General Sessions judges refused to sit, Mr. Minch hired detectives and unemployed policemen, issued arms, and warned all strikers off company property.

[1] Adapted from *News-Week*, June 2, 1934, pp. 3–4.

Thus he set the scene for the battle which raged for six days up and down Elm and Champlain Streets outside the Auto-Lite plant.

The first skirmish took place Tuesday of last week when an iron bolt whizzed from a factory window and lifted the scalp of Alma Hahn, a picketer. Immediately a crowd of angry men surged against the plant's steel gates, to be met by non-strikers and plant detectives armed with iron bars, clubs, and tear gas bombs. The day shift was coming off, and hundreds of women workers, crowded in the entry, screamed and tore frantically to get through.

No one left the plant that evening. All night long the struggle raged. Three times strikers fought their way inside, where they set fires, smashed windows and heads, and destroyed $150,000 worth of equipment. Telegraphs spread the news. In the morning 800 National Guard troops arrived, the cold rain which started at dawn dripping off their bayonets and helmets. The bruised and sullen strikers fell back, releasing the hungry hysterical women, and 1,000 non-strikers from the darkened factory.

That morning there was comparative quiet. But as the day wore on, curious townspeople, unemployed, and hard-eyed strikers gathered in a mob 6,000 strong. "Tin hats! Double-crossers!" They yelled to the young Guardsmen recruited from smaller Ohio cities. Presently behind strikers' lines, trucks drew up loaded with beer bottles and paving stones. Soon the air was filled with missiles. Three times during the afternoon the Guardsmen were driven from their "zones."

At last, without an order, they fired a volley of 30-30s into the mob. Two men fell dead, a half-dozen wounded. The dead were spectators who had come to "see the fun": Frank Hubay, unemployed youth, and Stephen Cyigon, recently discharged from a Civilian Conservation Corps camp.

The strikers wavered, then swooped forward again. All night ambulances and fire apparatus screamed into the fighting zone, and theatre goers eight blocks away smelled the new Kocs "vomiting gas" with which the angry crowd was held in check. A second volley felled a dozen men. A tear gas bomb blinded Orville Kane, locomotive fireman who had come to watch.

Meanwhile, at the suggestion of Frances Perkins, Charles Taft II, son of the former President, rushed from Cincinnati to act as arbitrator. His first overtures were refused. Too much blood had been spilt. Fifty-one Toledo unions had already voted for a general strike. "Close the factories and withdraw the troops — then we'll talk," said the strikers.

Sunday, after three more exhausting days of brick-bats and "vomiting gas," both sides consented to arbitrate. Auto-Lite was to keep its plant closed; strikers were to stay out of the factory zone. . . .

MINNEAPOLIS: In Minnesota the fight was waged by burly truck drivers. Their nine demands included union recognition, seniority rights, a 50-cent-an-hour minimum wage, an arbitration board, and written contracts. The battle, in which one man was killed and more than two score wounded, occurred in a market place.

For a week striking truckmen peacefully stopped all produce trucks that dared approach. Then in the market place appeared a squad of volunteer policemen, armed with riot guns and rifles. Some wore football headgear, others steel helmets. The fight was on. Beginning with a barrage of eggs, strikers attacked the volunteers with clubs, lead pipes, and rocks. One volunteer, C. Arthur Lyman, general manager of American Ball Co., died of a fractured skull. Forty-five went to the hospital with broken bones. That more serious bloodshed was averted was due to Walter Frank, Central Union head, who rushed into the cursing, fighting mob and told strikers a truce had been arranged.

That night strikers learned that their nine demands had been granted, and all night long under street lamps and flares in the market place they danced with wives and sweethearts. Business men sighed with relief.

4. A fourth type of the use of violence for purposes of control consists of the **action of organized de facto political groups against recalcitrant members** or against intriguing and conspiring forces from without. This is a very common occasion for the employment of force. It takes several forms, such as persecution, usually undertaken by organized religion or by the state in the name of religion (an example of which is presented below), the use of the criminal courts or courts martial to give legal sanction to the political violence of the state, massacre (such as the massacres of the Armenians by the Turks, the pogroms sometimes semi-officially directed against the Jews, or the celebrated massacre of St. Bartholomew's Day, 1572), or the more conventional use of secret service men (as in the hunting of the bandits Dillinger and "Pretty Boy" Floyd), of revenue agents (the hunting out of "bootleggers" and blockade runners of contraband liquor in the prohibition era), or even of troops for the putting down of strikes and riots. Of course, the use of such violence for purposes of control may or may not be justifiable on moral and social grounds, or according to some other method of sanction. Our concern here is with the method or means rather than with the moral and social sanctions of the control. As an indication of the changed mores with regard to the use of force it should be noted (as illustrated by the quotations which immediately follow) that the ancient persecutions, and even the use of force in Lord Jeffreys' time, were public and unashamed. In the case of the recent German and Russian employment of force as here described it is kept as secret as possible in order to avoid the public indignation that it would arouse.

Persecution. The first case offered to illustrate this form of the use of force as a method of social control is that of the persecution of the early Christians by the Roman authorities. Equally good illustrations may be found in the history of Catholic and Protestant persecutions in the sixteenth and seventeenth centuries of our era and in a multitude of ancient and modern oriental persecutions, mainly for religious reasons. Also, the student searching for further material in this connection should not overlook the record of the Holy Office or the Inquisition so well known to history, and the acts of the Russian government under the Tsars. The illustrative case referred to follows.[1]

The Persecution under Decius raged with an uncontrolled fury over the African provinces, and especially at Carthage, concerning which Cyprian everywhere gives

[1] From William Cave, *Lives of the Most Eminent Fathers of the Church* (J. Vincent, Oxford, 1840), pp. 379–380.

large and sad accounts, whereof this is the sum. They were scourged, and beaten, and racked, and roasted, and their flesh pulled off with burning pincers, beheaded with swords, and run through with spears; more instruments of torment being many times employed about the man at once, than there were limbs and members of his body; they were spoiled and plundered, chained and imprisoned, thrown to wild beasts, and burnt at the stake. And when they had run over all their old methods of execution, they studied for more, *excogitat novas poenas ingeniosa crudelitas*, as he complains. Nor did they only vary, but repeat the torments, and where one ended another began; they tortured them without hopes of dying, and added this cruelty to all the rest, to stop them in their journey to heaven; many who were importunately desirous of death, were so tortured that they might not die, they were purposely kept upon the rack, that they might die by piece-meals, that their pains might be lingering, and their sense of them without intermission, they gave them no intervals, or times of respite, unless any of them chanced to give them the slip and expire in the midst of torments: all which did but render their faith and patience more illustrious, and make them more earnestly long for heaven. They tired out their tormentors, and overcame the sharpest engines of execution, and smiled at the busy officers that were raking in their wounds; and when their flesh was wearied, their faith was unconquerable. The multitude beheld with admiration these heavenly conflicts, and stood astonished to hear the servants of Christ, in the midst of all this, with an unshaken mind making a free and bold confession of him, destitute of any external succour, but armed with a divine power, and defending themselves with the shield of faith.

The Courts as Agents of Violence. An excellent example of the use of civil courts for the legitimation of political reprisal by death, or for judicial murder, as it is sometimes called, is afforded by Macaulay in the following passage describing the Bloody Assizes following the Monmouth Rebellion.[1]

In Hampshire Alice Lisle was the only victim: but, on the day following her execution, Jeffreys reached Dorchester, the principal town of the country in which Monmouth had landed; and the judicial massacre began. The court was hung, by order of the Chief Justice, with scarlet; and this innovation seemed to the multitude to indicate a bloody purpose. It was also rumored that, when the clergyman who preached the assize sermon enforced the duty of mercy, the ferocious mouth of the judge was distorted by an ominous grin. These things made men augur ill of what was to follow.

More than three hundred prisoners were to be tried. The work seemed heavy; but Jeffreys had a contrivance for making it light. He let it be understood that the only chance of obtaining pardon or respite was to plead guilty. Twenty-nine persons, who put themselves on their country and were convicted, were ordered to be tied up without delay. The remaining prisoners pleaded guilty by scores. Two hundred and ninety-two received sentence of death. The whole number hanged in Dorsetshire amounted to seventy-four.

From Dorchester Jeffreys proceeded to Exeter. The civil war had barely grazed the frontier of Devonshire. Here, therefore, comparatively few persons were capitally punished. Somersetshire, the chief seat of rebellion, had been reserved for the last and most fearful vengeance. In this county two hundred and thirty-three

[1] T. B. Macaulay, *The History of England from the Accession of James II*, I: 499–501.

prisoners were in a few days hanged, drawn and quartered. At every spot where two roads met, on every market place, on the green of every large village which had furnished Monmouth with soldiers, ironed corpses clattering in the wind, or heads and quarters stuck on poles, poisoned the air, and made the traveller sick with horror. In many parishes the peasantry could not assemble in the house of God without seeing the ghastly face of a neighbor grinning at them over the porch. The Chief Justice was all himself. His spirits rose higher and higher as the work went on. He laughed, shouted, joked, and swore in such a way that many thought him drunk from morning to night. But in him it was not easy to distinguish the madness produced by evil passions from the madness produced by brandy. A prisoner affirmed that the witnesses who appeared against him were not entitled to credit. One of them, he said, was a Papist, and another a prostitute. "Thou impudent rebel," exclaimed the Judge, "to reflect on the King's evidence! I see thee, villain, I see thee already with the halter round thy neck." Another produced testimony that he was a good Protestant. "Protestant!" said Jeffreys, "you mean Presbyterian. I'll hold you a wager of it. I can smell a Presbyterian forty miles." One wretched man moved the pity even of bitter Tories. "My Lord," they said, "this poor creature is on the parish." "Do not trouble yourselves," said the Judge, "I will ease the parish of the burden." It was not only against the prisoners that his fury broke forth. Gentlemen and noblemen of high consideration and stainless loyalty, who ventured to bring to his notice any extenuating circumstances, were almost sure to receive what he called, in the coarse dialect which he had learned in the pothouses of Whitechapel, a lick with the rough side of his tongue. Lord Stawell, a Tory peer, who could not conceal his horror at the remorseless manner in which his poor neighbors were butchered, was punished by having a corpse suspended in chains at his park gate. In such spectacles originated many tales of terror, which were long told over the cider by the Christmas fires of the farmers of Somersetshire. Within the last forty years, peasants in some districts well knew the accursed spots, and passed them unwillingly after sunset.

Jeffreys boasted that he had hanged more traitors than all his predecessors together since the Conquest. It is certain that the number of persons whom he put to death in one month, and in one shire, very much exceeded the number of all the political offenders who have been put to death in our island since the Revolution.

The Blood Purge. The Hitler massacre of June 30, 1934, commonly known as the "blood purge," is so revolting in its details that a description of it need not be included here. Apparently on the basis of a mere suspicion of a plan for a revolt on the part of the storm troop leaders and others of his partisans who had criticized his obvious movement toward the right and rumored alliance with German big business and finance, Hitler ordered the massacre of several hundred of his more radical supporters in order to clear the way of opposition to his impending change of front. Some of these leaders, like Roehm and von Schleicher, were taken out of bed or invaded in their vacations and shot. The following Associated Press dispatch (dated Berlin, July 3, 1934) indicates the supposed attitude of the ruling group responsible for the slaughter toward the victims after the event had occurred.[1]

[1] Adapted from St. Louis *Post-Dispatch*, July 3, 1934.

A sordid picture of ruthlessness is presented by scraps of information picked up here and there regarding the disposition of the bodies of Storm Troop leaders and others killed in summary executions of the weekend. Few know, and those who do fear to tell, but it would appear that the corpses were dragged from the execution chambers and thrown into hastily-dug holes in isolated spots. There was not even the benefit of clergy, which is extended after death to the most hardened criminals.

Inquiries at Government offices as to whether the bodies were returned to relatives or decently buried brought shrugs and, if any direct reply at all, something like, "Who cares?" "Oh, they were just put away," was the answer of one member of the entourage of Hermann Wilhelm Goering, who aided Chancellor Hitler.

The common practice in Germany is for relatives of dead persons to print obituary notices in advertising columns. Only one such notice has appeared in Berlin papers, and, so far as is known, none elsewhere. This notice was placed by relatives of Dr. Eric Klausener, head of the Catholic Action Party: "He was suddenly taken from us June 30, 1934, after a life of love and achievement," said the notice, which stated that the grieving relatives bow "before the holy will of God."

How Russia Deals with Plotters. A somewhat similar act of violence on the part of the Russian Soviets Government occurred a few months later. But the political circumstances seemed to be largely different. The Russian government claimed that the plotters in this case came from the outside and were instigated by international political intrigue. Also, it was quite evident that the masses of the people were sympathetic with the action taken by the government in summarily punishing the plotters. In this case there seems to have been an actual plot, rather than a manufactured rumor of a plot which (in the German case) was apparently intended to serve as an excuse for the removal of the leaders of the opposition by death. Finally, some sort of court trial was held in the case of the Russian executions. Russian courts deal equally summarily with public peculators and other betrayers of the public welfare. The Associated Press account of the incident follows.[1]

Sixty-six persons, including one woman, have been executed as anti-Soviet plotters in connection with the assassination of Sergei Kiroff, secretary of the Central Executive Committee. The 66 were tried in Moscow and Leningrad yesterday and summarily executed.

The official announcement was brief. It said that a woman, Zinaida Buligina, was among the 29 executed in Moscow. Just what connection the 66 had with the crime, actually committed by a former Soviet employe, Leonid Nicolieff, was not specified. He presumably is still being questioned.

The list of the condemned was made public and showed a duplication of family names and middle names in three cases, indicating that brothers had been executed. None of the 66 was among the leaders who had figured prominently with the White armies during the civil warfare following the Bolshevik revolution. All property of those put to death was confiscated.

[1] Adapted from the St. Louis *Post-Dispatch*, Dec. 6, 1934.

In all, 71 "enemies" of the Government were arrested. Only five of them escaped execution — three in Moscow and two in Leningrad. These five were held for further questioning. New decrees, invoked after the assassination Saturday at Leningrad, were carried out to the letter. There were no defense attorneys, no prosecutors. No appeals were allowed. All of the cases were tried separately behind closed doors by a military collegium of the Supreme Court. The general charge of plotting terroristic acts against the Government had been made against the "white guards."

The court at Leningrad said the persons convicted there had entered the country with instructions to organize terrorism and that they came in through Finland, Latvia and Poland.

The method of execution was not announced. It is presumed the persons faced firing squads.

Workers have been aroused to a high pitch of indignation over the killing of Kiroff and demanded stern action against their "enemies."

5. A fifth form of the use of violence for purposes of social control is that of **organized warfare.** This technique has undergone so many changes from the time of primitive hand-to-hand struggle to the present day of highly organized machine and chemical mass warfare that a separate volume would be required merely to describe in outline the evolution of the technique. The ferocity and destructiveness of modern warfare have grown in keeping with its increased organization and mechanization. The following description of a modern air raid is taken from a cable dispatch by Louis Fischer in the *Nation* of New York and is the account of an eye-witness.[1]

General Franco, the supreme Christian ruler of reactionary Spain, is not inexperienced at his strategy of attacking a defenseless civilian population. He has registered many victories over the women and children of Madrid. Air bombings of the residential quarters have become so regular that one looks at one's wrist watch and says: "Four o'clock, hm. They haven't been here yet."

I've heard many raids and seen the machines which were making them. I have visited the spots where the bombs had fallen. I have watched the rescue work in the smoking ruins. But on Friday I was in such a raid, and I can declare that there is nothing so harrowing and so criminal in all the world.

I was riding in an automobile just before 2 o'clock in the afternoon when I noticed people running. Soon the streets were empty. I could now detect the roar of airplane motors. Suddenly there was a crash, and before one could think, a mountain of smoke rose above a five-story building down the street. We turned the corner; there was another deafening bang, and the bricks of the cornices mixed with wood and glass separated from a huge apartment house and fell across our path about 300 yards ahead.

We stopped the car and rushed into an entrance. A bomb whistled as it approached the earth. It made one cold all over. "Where will it hit?" I tried to force the door open to seek better protection, but a column of air struck the door and made me recoil. The bomb had crashed into the third house from the one where we had sought refuge.

[1] Reproduced from St. Louis *Post-Dispatch*, Dec. 15, 1936.

At the same moment, another bomb landed. From the low pitch of the report, I guessed it had fallen on the pavement. Half a granite block, blackened by the explosion, came vaulting over a roof and fell into a narrow court to which the doorway where I stood led. A woman opened a door and called to us to come in. "Such barbarians!" she exclaimed.

For several minutes, there were no bombs. We opened the door. There was no hum of propellers. We returned to the street. A military motor cyclist asked for my car to transport the wounded. He was commandeering all automobiles for this purpose. Presently they began to return with people who had lost limbs or parts of their faces. In such moments, one hates violently; the hate remains.

From the lower floors of bombed houses women, old men and little children started to creep out. All was white; white hair, white faces, white clothes — powdered by crumbling plaster. A girl of 13 retrieved a canary bird in its cage. She carried a milk bottle under her arm. A woman with a nursing baby, both howling, the mother's dress black where she held the child. A wrinkled old woman wrapped in a blanket, every feature on her face trembling uncontrollably, stood on the pavement dazed and asked repeatedly, "Where can I go?"

I walked back. Streams of homeless strayed through the streets, carrying now an overcoat, now a bundle of clothes, now a child's mattress. Women stood in groups wringing their hands and swaying from their waists in the rhythm of despair. This has gone on for weeks.

I went through streets where not a single window pane was left intact. Whole sections look like an earthquaked city. Yet people go on living there. "Where can they go?" The Spanish Government, with every resource absorbed by war, hasn't the trucks or busses, or food or money enough, to evacuate the civilian population of Madrid, and from outside comes no help. . . .

I later learned that the raid had been carried out by 28 Junkers and two Capronis. Those heroic aviators knew that they killed innocent women and children and noncombatant men. They've been doing it for weeks; they are well practiced by this time. They take their orders from Berlin and Rome. Their dictator masters have made a cult of frightfulness. When the Abyssinians didn't yield, gas was used. The cultural level of the enemy is immaterial. The people which produced Cervantes, Velasquez, Goya and El Greco are treated with the same ruthlessness as Selassie's black warriors. Western Europe must expect no better fate.

Personal Violence in Warfare. The following cases will serve to illustrate some aspects of the personal violence that is inherent in modern warfare, just as the case presented above portrays the mass action features of war.[1]

No doubt many of us have read of the exploits of a certain sergeant in the American Army in France, who has been called the greatest hero of the war. The following is from the public press. In Argonne Forest we are told: "Throwing himself flat on the ground, he began with repeating rifle and automatic revolver. After he had killed about twenty-five, the others shouted 'Kamerad,' and he marched one hundred thirty-two, including the major and three lieutenants, back to the American lines. He was decorated in the presence of the army, and, at the request of his general, Congress awarded the rare Congressional Medal of Honor. He was entertained at the Waldorf-Astoria, was the guest of honor at a banquet

[1] From William C. Allen, *War! Behind the Smoke Screen* (John C. Winston Co., Philadelphia, 1929), pp. 52–55.

at which generals, admirals, state and national officials, historians and poets vied with each other to honor him. Congress gave him a tremendous ovation when he visited Washington.". . .

Harry Emerson Fosdick, in a sermon, has said: "One of our young men came back from France and, like many others, would not talk. One day his father took him apart and rebuked him for silence. 'Just one thing I will tell you,' he answered. 'One night I was on patrol in No Man's Land and suddenly I came face to face with a German boy about my own age. It was a question of his life or mine. We fought like wild beasts. When I came back that night I was covered from head to foot with the blood and brains of that young German boy. We had nothing personally against each other. He did not want to kill me any more than I wanted to kill him. That is war. I did my duty in it, but for God's sake do not ask me to talk about it. I want to forget it.' My friends, that *is* war — the quintessence of it at the central point of its self-revelation. There is nothing glorious about it any more."

In 1920, the fellowships of travel led me for a time into intimate contact with a young man who had been in one of the armies fighting the Moslems during the Great War. The conversation led to treatment of prisoners. He said, "We had to kill them sometimes." I asked, "How did you do it?" He replied, "We bayoneted them." His face twitched at the accursed memory. Then he added: "There was nothing else to do. We were small in numbers and pushing ahead, we had to go forward, we dared not leave prisoners behind, we could not spare men to guard them, we had to kill them."

Were Germans or Turks any better?

Hamilton Fyfe was a war correspondent who served on five fronts and followed his profession from the very beginning until very nearly the end of the Great War. Lord Northcliffe once introduced him to an American audience. The following quotation is from his *The Making of an Optimist* (Allen and Unwin, London), "War brutalizes everyone who comes within its influence. How can it be otherwise? Is not the dyer's hand subdued to that it works in? Men who are ordered to take no prisoners, or kill their prisoners in cold blood (and that was done by every combatant in the war), men who are told by their officers to 'put the fear of God' into the enemy by barbarities too appalling to describe — how should they be anything but brutal? It is the whole object of military training to make them so."

6. A sixth phase of the use of force as a social control is that of **violence against the opponents of violence.** This has taken several forms in history, but its most modern aspect is that described below. The following cases illustrate the practices of the two great English speaking civilizations, the United States and Great Britain.[1]

The treatment of Conscientious Objectors was in many cases peculiarly atrocious in some of the camps and federal prisons of the United States. Some were put in iron shackles, others had the cold shower administered to them and the most filthy scrub brushes were applied to their bodies. Some were placed under cold spray until they collapsed. Some were put upon bread and water in dark dungeons for two weeks at a time. Some were belabored by men who had no authority to administer such punishment for disobedient soldiers. The beatings at times were followed by investigations which occasionally resulted in better conditions, some-

[1] Adapted from William C. Allen, *op. cit.*, pp. 118–126.

times not. The cases are recorded of three brothers, who, after tragic experiences at Alcatraz Island in San Francisco Bay, were subsequently sent to Fort Leavenworth. As they refused to do military work they were given the usual confinement in solitary and two of them were seized with pneumonia, were taken to the hospital, and died. A young friend of mine, since an instructor in a well-known university, took the position of nurse in a camp hospital, where he had to deal with men afflicted with the vilest diseases, but he escaped unscathed. He had been offered promotion if he would renounce his principles. There is no record of the number of these brutalities — or deaths resulting therefrom — applied to men who suffered for conscience's sake. Courts in some cases sentenced men to twenty-five years imprisonment or for shorter terms. Long terms were later remitted. The practice in England had been to sentence men to two years hard labor and then resentence them at the termination of two years. It would seem as if the then Secretary of War of the United States endeavored at first to mitigate the sufferings of genuine conscientious objectors but, as time went on, the situation to some extent got beyond his control. It must be understood that when I make the above statements I refer only to sincere objectors to military service, and not to cowardly draft dodgers. . . .

Dr. John Clifford, the leader of the non-conformist churches of Great Britain, in 1916 wrote in the *Daily News*, London: "Letters by every post give facts like the following: A Congregational minister writes of a man twenty-nine years of age. He has known him all his life and has been an intimate friend for the last ten years. For his genuineness he offered unimpeachable evidence. In spite of all evidence the Tribunals declared he had no conscience and ordered him into the army. I have recently seen him and under these conditions: the cell is ten by seven, walls painted slate blue black, the floor to lie upon, an overcoat for a pillow, and not even a chair; solitary confinement for days and days; and everything taken away, even a tract that a good woman had given to him on the journey; nothing to handle, nothing to count, thrown back entirely upon his own thoughts, with just food enough to keep him alive, unable to wash or shave or get his clothes off or write any letters. So the great military machine is set to its work. Bad as that is, it is a mild case compared with others I could quote.

"A youthful 'conscientious objector' who was suffering solitary confinement, begged a Bible from the prison authorities. He was refused this, along with any reading matter; but finally the officers in charge said to him, 'Too much Bible reading is as bad as too much whiskey; you can have it one hour a day.'"

Professor Gilbert Murray, Regius Professor of the Classics, Oxford University, wrote in 1917 as follows: "Disobedient objectors have been taken to France avowedly for the purpose of enabling their officers to shoot them at will. They have been threatened with shooting, and have been formally sentenced to death. But they have not been actually shot. The special grace guaranteed them by the law has only taken the form of cells, field punishment, penal servitude, and repeated terms of hard labor. Another method, however, has been practiced freely, as many published documents show. It is secret bullying and terrorism in the barracks. . . . The ordinary cases of oppression, unfairness, and bullying in barracks were probably not due to any high authorities, but sprang from excesses of popular feeling, or from sheer ill-temper and stupidity. A young officer, like one known to me, who had never heard of Tolstoy and believed that the rule 'an eye for an eye and a tooth for a tooth' was spoken by Christ in the Sermon on the Mount, was not likely to show much insight in dealing with a meek theological prisoner who roused all his instincts of antagonism, and, what was worse, often made him look like a fool. . . .

I have received by this morning's post (June 30) the accounts of one man, an intended missionary, dead in a hospital, another dead in a lunatic asylum, as the result of this secret bullying; and a third being subjected to a well-known form of medieval torture. This man is imprisoned in a deep and narrow hole, too small for sitting down, not to speak of lying, with no roof overhead and water at the bottom covered by two planks. His sentence is for twenty-eight days, which would mean death. . . ."

7. **Plans to End War by Means of Force.** Modern warfare has become so destructive to life and property and to civilization as a whole, that a large portion of mankind are anxious to end war by any means whatever that may be found possible. In the chapter on social reform in this work we shall present a detailed plan worked out by a representative committee for the abolition of war. At this point we shall confine the discussion to proposals to employ force as a means to the suppression of war. We shall present two proposals to this effect which have a considerable following. First, we shall examine the proposal of a celebrated publicist and pacifist to let war end itself by sheer exhaustion and the fear of its consequences. This may be called the frightfulness cure for war. It is a typical laissez faire method, and its chief defect is that the remedy partakes of all the disadvantages of the disease. Peace achieved by such a means might bring a desert, and it might come only with the exhaustion of mankind and the destruction of civilization itself. Making due allowances for Mr. Shaw's delight in striking dramatic contrasts, the statement which follows may be taken as one of the outstanding, if not one of the most promising, theories regarding methods of ending war.[1]

George Bernard Shaw, playwright, poked fun at disarmament conferences and suggested, in a trans-Atlantic broadcast yesterday, that the real way to prevent war is to create such terrible weapons that everybody would immediately surrender. Personally, he said, he would rather be blown up by a 16-inch shell than by a 10-inch shell, because it would "give the occasion importance and call for a big noise."

Shaw's vision of how the conflict of the future will start and end follows: "What will London do when it finds itself approached by a crowd of airplanes capable of destroying it in half an hour? London will surrender. White flags will fill the air. But our own air squadron will have already started to meet the enemy. From Paris to Moscow, from Stockholm to Rome, white flags will go up in every city. All the navies will strike their colors, ransoms and reparations and indemnities will cancel each other out after a squabble in Geneva, and the most disgraceful and inglorious war on record will peter out in general."

Shaw was speaking on the question: "Whither Britain?" "What a question!" he said, "I don't know the answer. Nobody knows. At present Britain is not heading straight for anywhere. She is like a ship without a pilot, drifting about by the winds of circumstance. She is as likely to drift into war as anybody else providing somebody else starts the war."

[1] Associated Press report in St. Louis *Post-Dispatch*, February 7, 1934.

The League of Nations, he said, "has set up a disarmament conference which, after two years of fooling, has virtually ended with the confession of our Foreign Secretary, Sir John Simon, that the disarmament conference is really an armament conference vainly trying to regulate armaments; and the chairman of the conference, Arthur Henderson, has threatened to resign, because the nations haven't the slightest intention either of disarming or of refraining from perfecting the newest and most fruitful methods of slaughter, with all the diligence that terror can inspire."

Preparedness as a Means of Preventing War. Another favorite proposal for preventing the highly destructive violence of modern warfare is to prepare for war so effectively that no other country will dare attack. Perhaps a majority of politicians and most military men hold more or less enthusiastically to this doctrine. It is the basic policy of practically all countries at the present time. Perhaps the policy might be referred to more properly as a method of intimidation, except that it almost inevitably ends sooner or later in the use of violence. The chief difficulty with the theory — and this is a very great difficulty — is that if all countries of essentially similar strength pursue the same policy of competitive arming, the ultimate result is national economic ruin, which ends finally in a test of strength by war to stop the arming of other competing countries. It also arms the larger powers dangerously and invites to depredations upon smaller and more peaceably inclined powers, as has been illustrated forcibly by recent events in Europe. Most imperialistic conquests (such as that of Ethiopia) have been inspired apparently by strong military organizations backing up commercial or dynastic ambitions. The following Associated Press dispatch from Rome, indicating how the arming of one country (itself incited to a competitive military program by the arming of its international rivals) reacts back to stimulate an increased expenditure for arms upon the country of the first instance. In this case, instead of lessening the chances of violent conflict, the competitive armament program seems to have increased them.[1]

The Fascist Grand Council today met Great Britain's rearmament program with a five-point policy to increase Italy's armaments and military forces.

The governing body of Fascism, meeting at the call of Premier Mussolini, decreed the "integral militarization of all active forces between the ages of 18 and 55 with periodical recalls of the mobilizable classes."

Military circles interpreted this decree to mean every physically able man between those ages throughout his life will be kept also "military able." This will be done principally through reconscription from time to time for service with the colors, army observers said, in addition to the regular period of training during their early manhood.

Mussolini, who recently boasted Italy could put 8,000,000 armed men into battle, personally put through the far-reaching program to answer the British

[1] From the St. Louis *Post-Dispatch*, March 2, 1937.

announcement that $7,500,000,000 would be spent on war defense in the next five years.

The other four points announced by the official communique, after a session lasting until near dawn, reached through every phase of Italian life. They are:

1. An "adequate increase" in the armed forces.
2. Extension for five years of the general commission for war supplies.
3. "Total sacrifice if necessary of civil necessities to military necessities for attainment of maximum self-sufficiency regarding military needs."
4. An invitation to Italian science to collaborate in reaching self-sufficiency.

The Grand Council, in the official announcement approved by Mussolini as he ate breakfast after a few hours' sleep, hailed the "realistic efficiency" of Italy's policy of cooperation with Germany in international affairs.

The council, the communique said, "is happy to note Italo-German policy and understanding has developed and shown a progressive realistic efficiency."

Conclusion. The cases cited or described in this chapter do not exhaust the subject of the employment of force as a social control, but they offer a fair sample of the methods used. The employment of force in the pursuit of personal ends has become illegal and morally and socially odious to most people except in cases of the most extreme provocation and danger to one's life, physical integrity and property. Even the duel has been outlawed in highly civilized countries in which privileged classes no longer require a special code and special technique and training in the use of deadly weapons to insure to them an unequal advantage in personal contests with their inferiors. The growth of the masses toward social equality has helped greatly to abolish, or at least greatly to diminish, those forms of the employment of force which formerly were fostered by the bullying propensity of the upper classes. Where a numerous and pampered military class continues to exist, these related types of intimidation remain, backed up by the privilege of carrying arms and by training in their use. The only other group that makes a considerable appeal to force for personal ends in our civilization is that which we designate as the violent portion of the criminal class — robbers, "hi-jackers," gunmen, kidnappers, and the like. The public and open employment of force by political, economic, and other factions and groups has greatly declined. Strikes are becoming much less violent, although not always less determined, and it is now possible in most countries for legislative and similar bodies to carry on their business without resorting to fist fights, duels, and riots.

It would be impossible to predict with assurance future trends with regard to the use of force. As we have already remarked, the force technique seems to have given way in many cases to methods of psychic or symbolic appeal or to fear as a form of motivation. Possibly the development in this direction will be even more marked in the future. The trend with respect to modern warfare is the most disquieting

evidence in the contrary direction. War, aided by modern scientific inventions of more deadly weapons and more effective methods of destruction of life and property, has reached a stage of development in violence that can not long be borne if civilization is to endure. At a time when we have done much to conquer the ravages of disease and have begun to recognize the social devastation wrought by the vices, war grows in destructiveness and threatens the whole of our culture with demoralization, disintegration, and dissolution. On the other hand, it is evident that with the exception of warfare, the employment of force is now often accompanied with much less wanton cruelty than was the case in earlier times. Torture, outside of the "third degree" in police circles and in some phases of robbery, seems largely to have declined as a form of control through violence. Only the soldier (who becomes a part of a huge irresponsible war machine) and the gangster-gunman (who is often a drug addict and is frequently given over wholly to the vices) remain in our civilization without normal compensating feelings of pity for the sufferings of others. Often they are very cowardly about their own.

STUDENT EXERCISES

1. Each member of the class may be required to hand in a written or clipped case illustrating one of the types or sub-types of the use of force for purposes of social control described in this chapter.

2. If the class is large, these cases may be classified and discussed relative to their frequency, importance for social control, or according to any other criterion.

3. Take the day's paper and list (or clip) and classify all of the accounts of cases of the use of force for control purposes recorded in its columns.

4. Which of the classes or sub-classes mentioned in this chapter do you not find represented in this single issue?

5. What classes or sub-classes (if any) not mentioned in this chapter do you find in this issue?

6. What other cases of the use of force by "robber barons" are you familiar with? Whom did these robber barons plunder?

7. Find a good case of the use of force by banditti in nineteenth century Italy; in contemporary China.

8. What types of cases can you find in Fielding's *Tom Jones?* In Le Sage's *Gil Blas?* In the novels of Bret Harte?

9. Bring to class for discussion a good case of the use of force by each of the major types of modern gangsterism.

10. Do you know of any other personal attacks by violence upon legislators or executives due to partisan prejudices?

11. Compare the motives and the methods of the strikers and of the Mexican groups described in the text.

12. Do the same for the Russian and Nazi and English cases.

13. Find other cases of religious persecution in the history books.

14. In what other works do you find descriptions of battles? How do these descriptions differ from the one given in this chapter?

15. Did the United States resort to the use of force against conscientious objectors in the war of 1914–1918? Can you cite any cases?

16. What do you think of George Bernard Shaw's plan for ending war by the use of force?

17. How does this plan differ from that of competitive armaments?

18. Could force as a form of social control be dispensed with in our society? If not, why not? If so, how?

19. Do the older, or the more recent, cases of control by force described in this chapter show the larger use of cruelty? To what do you attribute the fact as you find it?

20. Generalizing such observations as you have been able to make, does it seem to you that force is more often used for private or for public (social) ends? For legitimate or for illegitimate purposes?

21. Explain the greater secrecy now employed in connection with the use of violence by public agencies against minority groups as illustrated by the German blood purge and the Russian treason trials, both described in this chapter.

22. How may the recent increase of the use of violence in Europe and Asia be explained in the light of the discussion in this chapter?

23. Discuss the "preparedness" method as a means of preventing war in the light of recent international events.

24. Should that form of violence called war be avoided at any cost? Interpret recent European history in the light of this question.

Chapter V

METHODS OF PACIFICATION

Definitions. An eighth method of the application of force to the problem of social control is known as pacification. Because this procedure has been so largely employed in the history of mankind and because it occupies so much space in the historical treatises and has done so much to determine the practical condition of humanity, its treatment has been reserved for a separate chapter. Pacification usually follows the conquest of a country, although it is sometimes regarded as a phase of the conquest. It may sometimes occur without conquest, as in the case of a revolution or the rise of a dictatorship, where new powers have seized a government and wish to reduce the people to submission. Pacification itself may be defined as the reduction of a conquered people, or of a people in rebellion, to a state of submission to the ruling power. The usual alternative to pacification is assimilation, by which the dominant peoples either bring the culture and institutions of the subordinate peoples into close friendly adjustment relations, producing as a result a common culture, or merge their own culture with that of the subordinate peoples if the latter be much more numerous or possess a stronger culture. Assimilation ordinarily takes place more easily on the basis of peaceful relationships than on those involving violence, that is, through immigration or some form of friendly relation like commerce, or perhaps after the resentments following upon conquest and pacification have been largely forgotten.

A Frequent Process. Examples of pacification are numerous in history. Some of the most outstanding of these took place under the dictatorships of Marius and Sulla; after the conquest of Carthage by the Romans, and of England by William, in 1066; in the Cromwellian conquest of Ireland; and in the subjugation of the Moors in Spain. Philip of Macedon resorted to the same technique in order to hold southern Greece in his grasp. The Mesopotamian and Egyptian kings employed the art frequently upon the territories in their neighborhood, two of which events have come down to us in some detail through Biblical history. The Romans reduced to obedience both Spain and Gaul, as well as Jerusalem and Syria and many other provinces, by this method. The devastations of the Thirty Years' War in modern

Europe were due to several and repeated attempts at pacification. Both Mussolini and Hitler have applied the method as an aid to stability in modern Italy and Germany, and Japan has invoked it in Manchuria. The process has occupied a large portion of the attention and energy of governments at various times in Mongolia and China, in Turkey and Armenia, in India, in the Russian provinces of the Tsar, in Mexico, and in many other countries of the world. Even our own North resorted to the method in the South after the Civil War. Examples are so numerous that it is embarrassing to choose among them for purpose of illustration.

The Method. The technique of pacification does not employ force exclusively, but also makes use of many other devices of control which we shall describe in the chapters that follow. But force is so persistently and outstandingly the technique used in pacification, the other techniques being for the most part supplementary, that the subject is treated in this connection. There seems to be recognizable here, as elsewhere, a trend away from crude violence toward somewhat milder means of pacification, and even toward assimilation; but force remains the chief instrument in reducing a people to submission in the early stages of the process. Even in the most recent examples, such as we have seen operating in Italy, Russia, Germany, Manchuria, and Ethiopia, the resort is primarily to force. The more suddenly and remorselessly the blow falls, the more effective seems to be the result. Yet, on the whole the more recent the examples of pacification, the greater is the economy of force employed, and the smaller the amount of wanton destruction used, other things being equal. Considerable study of the history of pacification seems to give warrant to these conclusions. The cases here presented appear to illustrate this general principle.

Two early cases of pacification taken from Jewish history show not only the ruthless use of force, but also a large amount of destruction of property, both public and private. The greater destruction of property in ancient acts of pacification was probably due in part to the freer play of anger and other primary emotions in ancient warfare and in part to the laboriousness of these wars, a fact which often made it seem desirable to exterminate rather than merely to pacify a persistently rebellious and troublesome people. Perhaps also the difficulty of garrisoning peoples at a distance and the uncertainty of profiting from them through a regular collection of tribute may have had something to do with the large amount of destruction of property. The conquering armies were accustomed to assess their tribute once for all in the form of loot, rape, and rapine, without leaving any of it to the uncertainties of the future, or to the advantage of future conquerors

who might be hostile to the present conquerors. It was also important not to leave the people with sufficient strength to form alliances with rivals of the subjugating peoples.

Nebuchadnezzar Pacifies the Jews. In the first of the cases here described the conquered people had been repeatedly warned by Jeremiah of what might be expected from Nebuchadnezzar if the Jews broke their alliance and defied him. Failing to heed the prophecies of Jeremiah and allying themselves with the Egyptian king, they incurred Nebuchadnezzar's wrath as foretold. The Babylonian monarch swept down upon them, conquered and destroyed their cities, and led the leaders into captivity or put them to death as described by Josephus in the following passages.[1]

Now the city was taken on the ninth day of the fourth month, in the eleventh year of the reign of Zedekiah, . . . and when Zedekiah was sensible of it, he took his wives, and his children, and his captains, and his friends, and with them fled out of the city, through the fortified ditch, and through the desert; and when certain of the deserters had informed the Babylonians of this, at break of day they made haste to pursue after Zedekiah, and overtook him not far from Jericho, and encompassed him about; . . . so the enemy took Zedekiah alive, when he was deserted by all but a few, with his children and his wives, and brought him to the king. When he was come, Nebuchadnezzar began to call him a wicked wretch, and a covenant breaker, and one that had forgotten his former words, when he promised to keep the country for him. He also reproached him for his ingratitude, that when he had received the kingdom from him, who had taken it from Jehoiachin, and given it him, he had made use of the power he gave him against him that gave it; but (said he) "God is great, who hateth that conduct of thine, and hath brought thee under us." And when he had used these words to Zedekiah, he commanded his sons, and his friends to be slain, while Zedekiah and the rest of the captains looked on, after which he put out the eyes of Zedekiah, and bound him, and carried him to Babylon. . . .

And now it was that the king of Babylon sent Nebuzaradan, the general of his army, to Jerusalem, to pillage the temple, who had it also in command to burn it, and the royal palace, and to lay the city even with the ground, and to transplant the people into Babylon. Accordingly, he came to Jerusalem in the eleventh year of king Zedekiah, and pillaged the temple, and carried out the vessels of God, both gold and silver, and particularly that large laver which Solomon dedicated, as also the pillars of brass, and their chapiters, with the golden tables and the candlesticks; and when he had carried these off, he set fire to the temple in the fifth month, the first day of the month, on the eleventh year of the reign of Zedekiah, and on the eighteenth year of Nebuchadnezzar; he also burnt the palace and overthrew the city. . . . The general of the Babylonian king now overthrew the city to the very foundations, and removed all the people, and took for prisoners the high priest Seraiah, and Zephaniah the priest that was next to him, and the rulers that guarded the temple, who were three in number, and the eunuch who was over the armed men, and seven friends of Zedekiah, and his scribe, and six other rulers; all which, together with the vessels which they had pillaged, he carried to the king of Babylon to Riblah, a city of Syria. So the king commanded the heads of the high priest

[1] From Flavius Josephus, *Antiquities of the Jews*, Bk. X, Ch. VIII.

and of the rulers to be cut off there; but he himself led all the captives, and Zedekiah, to Babylon. He also led Josedek the high priest away bound. He was the son of Seraiah, the high priest whom the king of Babylon had slain in Riblah, a city of Syria, as we have just now related.

Titus Repeats the Process. Several centuries later Titus, after a campaign in Palestine lasting some two years, and a close siege of Jerusalem lasting several months, finally took the city in sections and destroyed it. Titus was an exceptionally humane general, as Josephus bears testimony, and made repeated overtures through Josephus to the people (who were led by factions engaged in the most brutal internecine warfare) to surrender and save their lives and property. By the time of the Roman empire the art of colonial and provincial administration had developed to such an extent and taxation had come to be considered as so much more valuable than spoliation and loot that it would have been distinctly to the advantage of Titus to save both the lives and the property of the people. And, also, there was now no rival who might form an alliance with the conquered people against the Romans. But the leaders, believing that their national divinity, Yahweh, would not permit the city to be taken and having themselves taken an oath not to surrender, rejected the overtures of Titus.[1]

So he gave orders to the soldiers both to burn and to plunder the city, who did nothing indeed that day, but on the next day they set fire to the repository of the archives, to Acra, to the council-house, and to the place called Ophlas; at which time the fire proceeded as far as the palace of queen Helena, which was in the middle of Acra; the lanes also were burnt down, as were also those houses that were full of the dead bodies of such as were destroyed by famine. . . .

Even after the lower part of the city had been taken with much effort and with a great loss of men to the Romans, Titus was still inclined to stay the hand of destruction of life, the more readily because there was profit in slaves and gratitude to be gained from other provinces in return for the gift of captives.[2]

And, now since his soldiers were already quite tired with killing men, and yet there appeared to be a vast multitude still remaining alive, Caesar gave orders that they should kill none but those that were in arms, and opposed them, but should take the rest alive. But, together with those whom they had orders to slay, they slew the aged and infirm; but for those that were in their flourishing age, and who might be useful to them, they drove them together into the temple, and shut them up within the walls of the court of the women; over which Caesar set one of his freedmen, as also Fronto, one of his own friends, which last was to determine every one's fate, according to his merits. So this Fronto slew all those that had been seditious, and robbers, who had been impeached one by another; but of the

[1] From Flavius Josephus, *Wars of the Jews*, Bk. VI, Ch. VI.
[2] *Ibid.*, Bk. VI, Ch. IX.

young men he chose out the tallest and most beautiful, and reserved them for the triumph; and as for the rest of the multitude that were about seventeen years old, he put them into bonds, and sent them to the Egyptian mines. Titus also sent a great number into the provinces, as a present to them, that they might be destroyed upon the theatres, by the sword, and by the wild beasts; but those that were under seventeen years of age were sold for slaves. Now during the days wherein Fronto was distinguishing these men, there perished, for want of food, eleven thousand; some of whom did not taste any food, through the hatred their guards bore to them, and others would not take in any when it was given to them. The multitude also was so very great, that they were in want even of corn for their sustenance.

Now the number of those that were carried captive during this whole war was estimated to be ninety-seven thousand; as was the number of those who perished during the whole siege eleven hundred thousand, the greater part of whom were indeed of the same nation (with the citizens of Jerusalem) but not belonging to the city itself: for they were come up from all the country to the feast of unleavened bread, and were on a sudden shut up by an army, which at the very first occasioned so great straitness among them, that there came a pestilential destruction upon them, and soon afterward such a famine as destroyed them more suddenly. . . .

Thoroughness of the Work. The completeness of the pacification resorted to by Titus, including his treatment of the leaders of the revolt, in order to avoid future insurrections, may be gathered from the following statement of Josephus.[1]

The Roman army encompassed the city when it was crowded with inhabitants. Accordingly the multitude of those that therein perished, exceeded all the destructions that either men or God ever brought upon the world; for, to speak only of what was publicly known, the Romans slew some of them, some they carried captives, and others they made a search for under ground, and when they found where they were, they broke up the ground and slew all they met with. There were also found slain there above two thousand persons, partly by their own hands, and partly by one another, but chiefly destroyed by the famine. . . . As for John, he wanted food together with his brethren, in these caverns, and begged that the Romans would now give him their right hand for security, which he had often proudly rejected before; but for Simon, he struggled hard with the distress he was in, till he was forced to surrender himself, as we shall relate hereafter: so he was reserved for the triumph, and to be then slain; as was John condemned to perpetual imprisonment. And now the Romans set fire to the extreme parts of the city, and burnt them down, and entirely demolished its walls.

Cromwell's Methods in Ireland. Our next case shows a distinct advance in the method of pacification. Although Cromwell was deeply angered by previous brutalities by the Irish, he refrained from the wanton destruction of property. Even the massacres he indulged in would not have occurred, according to Ludlow, had he not been under such strong pressure to finish up the process of pacification quickly and get back to England where there was much more work to do.[2]

[1] From Flavius Josephus, *Wars of the Jews*, Bk. VI, Ch. IX.
[2] Francis Plowden, *An Historical Review of the State of Ireland*, Philadelphia, 1805, I : 142.

Green's account of the pacification of the Irish in the early days of the Protectorate follows.[1]

The temper of Cromwell and his soldiers was one of vengeance, for the horror of the Irish massacre remained living in every English breast, and the revolt was looked upon as a continuance of the massacre. "We are come," he said on his landing, "to ask an account of the innocent blood that hath been shed, and to endeavor to bring to an account all who by appearing in arms shall justify the same." . . . Cromwell landed in Ireland on the fifteenth of August, 1649; and his storm of Drogheda in September was the first of a series of awful massacres. The garrison fought bravely and repulsed the first attack; but a second drove Aston and his force back to the Mill-Mount. "Our men getting up to them," ran Cromwell's terrible dispatch, "were ordered by me to put them all to the sword. And indeed, being in the heat of action, I forebade them to spare any that were in arms in the town, and I think that night they put to death about two thousand men." A few fled to St. Peter's church, "whereupon I ordered the steeple to be fired, where one of them was heard to say in the midst of the flames: 'God damn me, I burn, I burn!'" "In the church itself nearly one thousand were put to the sword. I believe all their friars were knocked on the head promiscuously but two," but these were the sole exceptions to the rule of killing the soldiers only. At a later time Cromwell challenged his enemies to give "an instance of one man since my coming into Ireland, not in arms, massacred, destroyed, or banished." But for soldiers there was no mercy. Of the remnant who surrendered through hunger, "when they submitted, their officers were knocked on the head, every tenth man of the soldiers killed, and the rest shipped for the Barbadoes." "I am persuaded," the dispatch ends, "that this is a righteous judgment of God upon these barbarous wretches who have imbrued their hands in so much innocent blood, and that it will tend to prevent the effusion of blood for the future."

A detachment sufficed to relieve Derry and to quiet Ulster; and Cromwell turned to the south, where as stout a defence was followed by as terrible a massacre at Wexford. A fresh success at Ross brought him to Waterford; but the city held stubbornly out, disease thinned his army, where there was scarce an officer who had not been sick, and the general himself was arrested by illness. At last the tempestuous weather drove him into winter quarters at Cork with his work half done.

Pacification after the Conquest. Harsh as had been Cromwell's methods during the war, and harsh as were those that followed the conquest, the latter record a decided improvement over the method used by Nebuchadnezzar and by Titus against the Jews. Human civilization had now reached such a stage of development and human contacts and modes of communication were such that it was now possible to assimilate conquered peoples to the national life of the conquerors and, by doing so, to add considerably to the national prosperity. Consequently, the method of pacification had changed. Property was largely conserved for future use and revenues. Life also was preserved where it appeared to be possible, although massacre,

[1] From J. R. Green, *History of the English People*, III : 271–272.

banishment, colonization, or selling into slavery might be resorted to upon occasion where it seemed unlikely that the conquered people could be successfully assimilated to the national interests. Doubt on this latter point may have had something to do with Cromwell's harshness toward the Irish.

The military side of pacification is rarely sufficient in itself, just as the military work of a revolution is not successful without the follow-up political work. The follow-up of pacification is the establishment of an administrative system which will consolidate and perpetuate the military gains. Once Ireland had been reduced to military impotence, Cromwell turned to the reorganization of the government and the reallocation of power, in the manner described below, and thus completed the pacification.[1]

Sterner work had to be done before Ireland could be brought into real union with its sister kingdoms. The work of conquest had been continued by Ireton, and completed after his death by General Ludlow, as mercilessly as it had begun. Thousands perished by famine or the sword. Shipload after shipload of those who surrendered were sent over sea for sale into forced labor in Jamaica and the West Indies. More than forty thousand of the beaten Catholics were permitted to enlist for foreign service, and found a refuge in exile under the banners of France and Spain. The work of settlement, which was undertaken by Henry Cromwell, the younger and abler of the Protector's sons, turned out to be even more terrible than the work of the sword. It took as its model the Colonization of Ulster, the fatal measure which had destroyed all hope of a united Ireland, and had brought inevitably in its train the revolt and the war. The people were divided into classes in the order of their assumed guilt. All who after fair trial were proved to have personally taken part in the massacre were sentenced to banishment or death. The general amnesty which freed "those of the meaner sort" from all question on other scores was far from extending to the landowners. Catholic proprietors who had shown no good-will to the Parliament, even though they had taken no part in the war, were punished by the forfeiture of a third of their estates. All who had borne arms were held to have forfeited the whole, and driven into Connaught, where fresh estates were carved out for them from the lands of the native clans. No such doom had ever fallen on a nation in modern times as fell upon Ireland in its new settlement. Among the bitter memories which part Ireland from England the memory of the bloodshed and confiscation which the Puritans wrought remains the bitterest; and the worst curse an Irish peasant can hurl at his enemy is "the curse of Cromwell." But pitiless as the Protector's policy was, it was successful in the ends at which it aimed. The whole native population lay helpless and crushed. Peace and order were restored, and a large incoming of Protestant settlers from England and Scotland brought a new prosperity to the wasted country. Above all, the legislative union which had been brought about with Scotland was now carried out with Ireland, and thirty seats were allotted to its representatives in the general Parliament.

Further Softening of Methods in England. The pacification methods used by Cromwell in England were much milder, and perhaps for that

[1] From J. R. Green, *History of the English People*, III : 293–295.

reason much more constructively successful. Green also describes the methods and results of this undertaking.[1]

Cromwell professed indeed to be restrained by the "Instrument": but the one great restraint on his power which the Instrument provided, the inability to levy taxes save by consent of Parliament, was set aside on the plea of necessity. "The People," said the Protector in words which Strafford might have uttered, "will prefer their real security to forms." That a danger of royalist revolt existed was undeniable, but the danger was at once doubled by the general discontent. From this moment, Whitelock tells us, "many sober and noble patriots," in danger of public liberty, "did begin to incline to the King's restoration." In the mass of the population the reaction was far more rapid. "Charles Stuart," writes a Cheshire correspondent to the Secretary of State, "hath five hundred friends in these adjacent counties for every one friend to you among them." But before the overpowering strength of the army even this general discontent was powerless. Yorkshire, where the royalist insurrection was expected to be most formidable, never ventured to rise at all. There were risings in Devon, Dorset, and the Welsh Marches, but they were quickly put down, and their leaders brought to the scaffold. Easily however as the revolt was suppressed, the terror of the Government was seen in the energetic measures to which Cromwell resorted in the hope of securing order. The country was divided into ten military governments, each with a major-general at its head, who was empowered to disarm all papists and royalists, and to arrest suspected persons. Funds for the support of this military despotism were provided by an Ordinance of the Council of State, which enacted that all who had at any time borne arms for the King should pay every year a tenth part of their income, in spite of the Act of Oblivion, as a fine for their royalist tendencies. The despotism of the major-generals was seconded by the older expedients of tyranny. The rejected clergy had been zealous in promoting the insurrection, and they were forbidden in revenge to act as chaplains or as tutors. The press was placed under a strict censorship. The payment of taxes levied by the sole authority of the Protector was enforced by distraint; and when a collector was sued in the courts for redress, the counsel for the prosecution were sent to the Tower. . . .

The anarchy which had reigned in the Church since the breakdown of Episcopacy and the failure of the Presbyterian system to supply its place, was put an end to by a series of wise and temperate measures for its reorganization. Rights of patronage were left untouched; but a Board of Triers, a fourth of whom were laymen, was appointed to examine the fitness of ministers presented to livings; and a Church board of gentry and clergy was set up in every county to exercise a supervision over ecclesiastical affairs, and to detect and remove scandalous and ineffectual ministers. Even by the confession of Cromwell's opponents the plan worked well. It furnished the country with "able, serious preachers," Baxter tells us, "who lived a godly life, of what tolerable opinion soever they were"; and, as both Presbyterian and Congregationalist ministers were presented to livings at the will of their patrons, it solved so far as practical working was concerned the problem of a religious union among Protestants on the base of a wide variety of Christian opinion. From the Church which was thus reorganized all power of interference with faiths differing from its own was resolutely withheld. Save in his dealings with the Episcopalians, whom he looked on as a political danger, Cromwell remained true throughout to the cause of religious liberty. Even the Quaker, rejected by all other Christian bodies as an anarchist and blasphemer, found sympathy and protection in the

[1] *Ibid.*, III : 292–293, 295–296.

Protector. The Jews had been excluded from England since the reign of Edward the First; and a prayer which they now presented for leave to return was refused by a commission of merchants and divines to whom the Protector referred it for consideration. But the refusal was quietly passed over, and the connivance of Cromwell in the settlement of a few Hebrews in London and Oxford was so clearly understood that no one ventured to interfere with them.

Methods in Scotland. In Scotland, Cromwell was no less successful. Although he actually invaded Scotland and fought two decisive battles against the royalist forces — one on Scotch and the other on English soil, — his main reliance was upon the threat of force combined with an ingratiating policy. Perhaps also the previous example of Ireland served as an effective reminder to the Scotch leaders, who as it was, suffered most severely from the pacification.[1]

The higher classes, it is true, felt more sensibly the pressure of the republican administration. A large army, maintained in many parts at the expense of the land-owners, required an extent of revenue to which the resources of Scotland had never before been thought adequate. Ten thousand pounds a month was the assessment regularly imposed for the support of those establishments, military and civil, which Cromwell deemed expedient for the new constitution of the northern provinces; thus affording an additional proof that, under the pretence of freedom and public rights, his government, merely by professing to be popular, could draw from the purses of the nation an amount of taxes five times greater than was ever obtained by all the exactions and arbitrary measures to which Charles was compelled to have recourse.

Pacification of the Clergy. A very serious aspect of the pacification of Scotland, although not the most violent, was the problem Cromwell faced of reducing the factionalism of the clergy. The controversial character of Scotch theology and ecclesiology is proverbial and perhaps at no time was it more marked than in the days of Cromwell. Although he used some force and more threats of force, he also exercised patience and sometimes employed diplomacy. The case of the pacification of the Scotch clergy is set forth as follows.[2]

But in no respect was the government of Cromwell more beneficial to Scotland than in the firmness which he exercised in subduing the factious temper of the clergy. Ever since the Reformation they had laboured, and in most cases with great success, to exalt the spiritual power on the ruins of the civil; claiming, not only an entire independence in respect to the authority of the crown, but assuming the right of dictating to the conscience of the sovereign, and of interfering in all the great questions of state. Differing among themselves, too, they carried dissension into the business of all other classes of men. Armies were raised or disbanded with a reference to theological tenets; and at one time it depended upon a vote of the assembly whether the king could receive into his service the ancient nobility of his realm, or should have it in his power to raise forces in defence of his throne. The

[1] Adapted from M. Russell, *Oliver Cromwell*, p. 101.
[2] *Ibid.*, pp. 102–104.

tyranny of the commission extended to the most private concerns of the most private individuals, while it affected to control the counsels of the palace, and even to direct the movements of the camp. The most rampant times of popery exhibited not the influence of the priesthood in a light so disagreeable to a liberal mind, nor accompanied with effects so unfavourable to the progress of society, and the advancement of true religion.

Cromwell determined to check this domineering spirit of intolerance and bigotry. After some vain attempts, by means of his peculiar logic, to draw them from the strong-holds of their system, he disarmed them of the power which they had so long employed in teasing one another, and disturbing the public peace. He granted to them individually full permission to perform the duties of parochial clergymen, and even connived at the practice of the resolutioners of praying for the king; but he resolutely prohibited them from holding an assembly, or from meeting anywhere in such numbers as might attract the notice of the government. On the 20th of July, 1653, an attempt was made to resume ecclesiastical business at the usual place of meeting in Edinburgh. After sermon and prayer the moderator began to call the roll, when there "comes in two lovetennant-colonells of the English forces, and desired them to be silent, for they had something to speak to them." One of the officers demanded by what authority they met — "if by the authority of their late king?" The moderator, not being prepared with an immediate answer, offered to repeat the names on the list, that their military visitors might know who were present. But the colonel, finding the roll-call rather tedious, desired the ministers to rise and begone, or, if they would not, he had instructions, he assured them, to use other means for their removal. Upon this the moderator, in the name of the assembly, protested that they were Christ's court, and that any violence of injury done to them might not hinder any subsequent meeting when a convenient occasion should offer itself. "He then asked leave to pray a word before they dissolved. After he had spoken five or six sentences the English officer desired them again to begone; notwithstanding, the moderator went on in prayer, but was walked out. All this time there was a company of English footmen in the kirk waiting upon them, and a troop of horsemen at the port." After the ministers were come forth, they were guarded on both sides by the infantry, and conducted out of town, where they were examined as to their names and places of residence by the commanding officer, who discharged them from ever meeting again, under the penalty of being held breakers of the peace. They were, however, allowed to return within the walls, and to occupy their lodgings one night, upon the promise of leaving the city before eight o'clock next morning. It was enjoined them, that "not above two should be seen together, and that they should send their names and their lodging-place to the court of guard that night."

In the manner now described was gained for the civil authority a triumph which all the power of the crown in the reigns of James and his son could not have effected. The plea of the moderator that the assembly was "Christ's court," and was therefore not to be questioned by any earthly or temporal jurisdiction, was entirely disregarded by the government of Cromwell. A similar scene took place in Fife about two years afterward, when a party of military officers entered the church and dispersed the assembly; producing no other warrant than a proclamation by General Monk, discharging all public meetings of the clergy.

Not being allowed to meet and dispute on the subjects which divided the two great bodies of the kirk, the ministers became more tolerant in their principles, or at least more moderate in their conduct. An historian of that period remarks, that as Cromwell's officers knew the "generality of the ministers were for the king

upon any terms, therefore they did not permit the General Assembly to sit (and in this, I believe they did no bad office), for both the authority of that meeting was denied by the protestors, and the assembly seemed to be more set upon establishing themselves than promoting religion. And I verily believe there were more souls converted to Christ in that short period than in any season since the Reformation, though of triple its duration. Nor was there ever greater purity and plenty of the means of grace than was in this time. Congregations met in great multitudes, some dozen of ministers used to preach, and the people continued, as it were, in a sort of trance, for three days at least. So, truly, religion was at that time in very good case, and the Lord present in Scotland, though in a cloud."

Methods in Ireland and Scotland Compared. The same author comments favorably upon the result of the pacification activities of Cromwell in Scotland and finds the method a decided improvement over that used in Ireland.[1]

There is no doubt that the government of Cromwell was, upon the whole, propitious to the quiet and improvement of North Britain. Unlike his conquest of Ireland, which was accompanied and followed by unmixed evil, the success of his arms in the former country checked the current of civil discord, imposed restrictions on the angry passions of the two rival factions, reduced the power of the feudal lords, improved the administration of justice, and replaced the influence of the spiritual estate within its proper limits. So miserable, indeed, was the condition of Scotland at that period, that hardly any change could have been for the worse; and assuredly the circumstances of a people must be wretched in the extreme, when they are found to ascribe the return of happiness to the successful invasion of an ancient enemy, and to date the commencement of their prosperity at an epoch when they were under the severe administration of a military government.

Pacification of the Indians. It is perhaps proper to turn from a study of cases of pacification in Europe and Asia to at least one instance in the New World. We might take our illustration from the exploits of Cortes in Mexico or of Pizarro in Peru, but these cases are somewhat remote and the methods used there by small numbers of Europeans who were compelled to employ desperate measures or be completely overcome by hostile tribesmen were so brutal as not to be wholly representative even of their own times. We might select the case of Reconstruction after our own Civil War, which was indeed an instance of pacification extending over more than a decade. In this case the pacifiers sinned not so much in the misuse of force as in the employment of peculation and corruption, evils which tend more and more to supplement and even to replace violence in modern methods of pacification. Materials for the study of this case are so ready at hand that it is not necessary to include them in our text. Rather, we select one of the many cases of pacification applied to defeated Indian tribes with which our colonial and early national history abounds. It is interesting

[1] Adapted from M. Russell, *Oliver Cromwell*, p. 105.

to observe the thoroughness of the methods employed by the "God-fearing" early New Englanders in ridding themselves of the Pequot Indians whose lands and hunting grounds they were appropriating in the self-satisfied certainty that they were serving the interests of true religion by pursuing this policy. It is equally interesting to note the nature of the justification made of these acts of pacification by the historian quoted.[1]

The Pequot war was terminated by the celebrated battle fought near the fort on Mystic River, in May, 1637. It ended only in the extinction of the race. The forces of the English, that were engaged in the battle, were the troops of Connecticut, with about twenty men from Massachusetts, and some hundreds of friendly Indians, the whole under the command of Major Mason, who had received the ensigns of authority at Hartford, from the fathers of the colony, amidst the solemn services of religion.

A few days after the battle, the remaining troops, under General Stoughton, arrived from Massachusetts, and the few scattered bands of the Pequots were hunted from their hiding-places. Every village was destroyed, every field was laid waste, and the surviving remnant of the race, about two hundred in number, surrendering to their subjugators, were either sold into slavery by the colonists, or merged in the tribes that surrounded them. Their warriors had nearly all perished in battle. Sassacus, their principal sachem, was treacherously murdered by the Mohawks, to whom he had fled for protection. Not a single family remained to keep alive the Pequot name in the land of their ancestors. It was the beginning of the work of Indian extermination, which has since been so fearfully consummated. It conveyed a terrible lesson of the power of the English, but one that was justified, in most of its features, at least, by the circumstances in which the colonies were placed. They had done all in their power to avert the sad necessity; but, when it could no longer be avoided, they determined to strike a blow that would not require to be repeated. It sent terror through all the tribes of New England, and secured the peace of the country through an entire generation. The homes of the Pilgrims were safe from midnight marauders, their intercourse with the Indians was established on a friendly footing, and the pursuits of industry were crowned with liberal rewards beneath the genial auspices of protracted peace.

Thus ended the first of the hopeless struggles, which the natives of New England made to withstand the melancholy doom which they too plainly saw was approaching them. The circumstances of the case left to the settlers no other alternative than a war of utter extermination. The stern necessity that was placed upon them involved either their own destruction or the extinction of the treacherous and hostile tribe.

The Pacification of a Religious Rebellion. Very similar in many ways is the pacification of a rebellion of one religious group against another of the same race. In the Near East religious and nationalistic antagonisms have been intense from a very early day, in fact, throughout all recorded history. The conflict between Jews and Arabs in Palestine in recent years has not been exceptional, but rather has

[1] From William Gammell's *Life of Roger Williams* in Sparks' *Library of American Biography*, IV : 89–91 (1846).

conformed to the rule, in that part of the world. In the year 1860 the Mohammedan peoples of Syria began a revolt against the growing power and aggressiveness of the various sects of Christians in the region of the Lebanon Mountains which grew steadily in intensity and spread ultimately to Damascus, where many acts of great violence were committed by the Mohammedan factions. An American missionary comments on these acts as follows:[1]

> The plundering, burning, and murder continued all night: the air was heavy with smoke and lurid with the glare of burning houses. All the consuls fled to the palace of Abd el Kader, to the houses of friendly Moslems, or to the English consulate, which was in the Moslem quarter, and was the only consulate not destroyed. . . .
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> Tuesday, the second day, brought still greater terrors: the mob increased. In the Franciscan convent of European monks, more than one thousand persons had taken refuge: the convent was plundered and burned, and not one of the inmates escaped. Out of six hundred in the Greek Patriarchate, not more than twenty were saved. Not less than two thousand were killed that day. All the churches were burned. The property destroyed was claimed as worth not less than seven millions of dollars. The estimates of the whole number killed in Damascus varied from five thousand to eight thousand, while twenty thousand were left destitute. Corpses were thrown into wells and water-courses, burned in the houses, or left in the streets to breed pestilence or be devoured by dogs.

The foreign powers of course interfered in behalf of their nationals and made strong representations to the Sultan at Constantinople. This monarch, realizing the danger to which the Mohammedan uprising subjected him, sent his minister of foreign affairs to quiet the rebellion and to punish and pacify the revolting factions. How this pacification was accomplished, under pressure from, and in part by the aid of, the foreign powers is described in the following passage:[2]

> On the 17th of July the community in Beirut was greatly surprised and delighted by the arrival of Fuad Pasha, the Turkish minister of foreign affairs. He had come at the demand of the English and French ambassadors at Constantinople. He was the only man they would trust with supreme civil and military authority; and was, for a Turk, a sensible, liberal man, who knew that quieting Syria was a matter of life and death with the Sultan. He was astonished on hearing the news from Damascus, and dispatched Halim Pasha to that city. But Halim did not dare bring his soldiers within reach of the fanaticism of the soldiers who had been engaged in the massacre and plundering. Soon after landing, Fuad Pasha expressed a wish to see some of the sufferers from Hasbeiya and Deir el Komr. Word was sent through the street and gardens and at three o'clock on the 20th of July they gathered at his encampment, till there were three or four thousand poor, ragged, half-starved widows and orphan children around him; and at the sight the great vizier was moved to tears. He promised to feed and protect them, and to punish the murderers.

[1] From Isaac Riley (ed.), *Syrian Home Life* (Dodd, Mead and Co., New York, 1874), pp. 330–331.
[2] *Ibid.*, pp. 333–338.

Koorshid Pasha of Beirut, the Turkish governors of Deir el Komr and Hasbeiya, and Tahir Pasha, military governor of the province, were thrown into prison. The Pasha of Damascus was sent to Constantinople. Fuad Pasha hastened to Damascus to carry out the work of relief there.

On the 30th of July, a French colonel arrived, to make arrangements for the landing of French troops. Major Frazier came from London, as high commissioner on the part of England. A few days after there were in the harbor vessels from England, France, Russia, Sardinia, Austria, Holland, Greece, and Turkey — though not a vessel of the United States navy appeared to look after American families and interests until months after the danger was gone, when the Susquehanna touched at the port.

Fuad Pasha summoned the council or *Medjlis* of Damascus, and, without asking them to sit down, gave them a severe rebuke. He told them they had violated the Mohammedan religion, the Turkish law, and had put the Sultan in a position from which he could hardly escape. He ordered them to make out lists of the guilty, with a threat of execution if they did not. He called the *Mufti* and *Kadi*, and asked, "What shall be done with a murderer?" One answered, "He should be put to death." The other answered, "A living man is better than a dead one." He then ordered their beards shaved off, and cast them into prison. A thousand men were arrested. These signs of the presence of a guiding hand alarmed the Druzes, and a report gained currency that they would make a general stampede to the region east of the Jordan, called Houran, killing all the Christians as they went.

August brought English, French, Austrian, Prussian, and Russian commissioners, and two new Turkish commissioners. The latter were informed by the English Consul that if they did not set things right English troops would be sent ashore to do their work. Moved by this pressure, Fuad Pasha dealt still more stringently with Damascus. He executed 200 persons, arrested 1,300, and banished to hard labor for life and to the army 2,000 plunderers. He divided the city into eight divisions, placing a governor and soldiers over each. The Moslems were turned out of three of their divisions of the city to make room for the Christians, who were thus brought into a peculiarly sacred part of the city. The gates were shut against all escape. But, severest of all, the Moslem young men were ordered to enter the Turkish army for life, in distant parts of the empire. This is a punishment feared almost more than death. On the arrest of Mohammed el Haleby, the great religious sheikh of Damascus, an attempt was made to close all the mosques and stop the *muezzin's* call to prayers. Fuad Pasha ordered that the first man who tried to close a mosque should be shot, and the plot failed. Incendiary placards were posted in Acre, near Mount Carmel. . . .

In September, after discussion between the French and Turkish military leaders, Fuad Pasha went to Sidon, and thence inland, with 3,000 Turkish troops, to Mukhtara, the palatial residence of Said Beg Janblat; Halim Pasha went to Hasbeiya, and the French army set out in two columns from Beirut for Lebanon. As a French column of 4,000, on their way toward Deir el Komr, came to Ainab, the Druzes fired on some young Maronites who had gone before them, whereupon the French commander ordered the village to be sacked; an order which was carried out with great alacrity by his soldiers.

In this case of pacification obviously the purpose was not extermination, as in the preceding case dealing with the Indians of New England, but rather to halt the revolt of the Mohammedan faction and, by summarily punishing the leaders and their most active helpers in the

rebellion, to prevent its recurrence. Another object of the military pacification of the Mohammedans was to pacify emotionally the protesting foreign powers.

Pacification in Ethiopia. At the time of the writing of this chapter the pacification of Ethiopia, following the Italian victory there in 1936, has not been completed. In view of the fact that news from that country is strictly censored it will be some time before adequate details of the process of pacification in all of its aspects are known. Since the Italians are dealing with a semi-civilized people who are themselves accustomed to the use of violent measures and in whose minds the principles of loyalty and of policy on a high or idealistic plane are probably much confused, the pacification is very probably being carried on in a sufficiently violent manner. As the dispatches that follow indicate, many of the natives themselves assist in the pacification. This, we saw, was also the case in the Pequot extermination described above. Among civilized peoples — as in Holstein after 1864, in France after 1870, and in Germany after 1918 — the methods employed have come to be mild, especially since modern wars between leading nations have not been for purposes of conquest, but have been made with commercial and colonial ends in view. Pacification of the conquered homeland is as a consequence not necessary, but in cases such as the conquest of Ethiopia, which is to be occupied permanently by Italy, it continues to be a necessary aftermath of war. We present below such details of the pacification as have been distributed to the news agencies by the Italian occupation for propaganda purposes, that is, to show to the world with what decision and expedition Italy deals with those who oppose her.[1]

All Ethiopians connected with the attempted assassination of Viceroy Rodolfo Graziani will be shot by an Italian firing squad on direct orders from Premier Mussolini, colonial officers announced today. A second series of instructions from Mussolini decreed death for all chieftains continuing opposition to the Italian government, they said.

Reprisals for the wounding of Viceroy Graziani and several others during a celebration Friday would be "extensive and summary," the Fascist commanders said. The Viceroy, the Abuna Cyril, Coptic Bishop of Ethiopia, and Aviation General Aurelio Liotta were wounded when Ethiopians threw hand grenades at the official party at a festival honoring the birth of King-Emperor Emmanuel's grandson.

"The punishment will go beyond ordinary reprisals," the officers said, "to obtain a demonstration that the new conqueror will not stand for opposition." "The government will govern with a mailed fist rather than with its hand in the money bag," they said.

[1] From the St. Louis *Post-Dispatch*, Feb. 22, 1937.

Dispatch riders from the lake region south of Addis Ababa arrived in the capital with news that all Ethiopian chieftains captured in a battle Saturday had been killed. The Ethiopian leader, Gabra Mariam, was killed during the fighting, they reported.

Marshal Graziani has called 30,000 soldiers in the Addis Ababa area into the city, placing them on a war basis to seek out those who attempted to assassinate him and quell what was considered a possible incipient uprising. He acted under direct orders from Mussolini, who commanded that those suspects subject to formal charges be tried immediately by a military court. Two thousand Ethiopians were arrested for questioning. . . .

Italian Carabinieri and blackshirts, with squads of trusted native police, rounded up suspects and possible witnesses for questioning by military authorities. Flying squadrons of blackshirt soldiers combed the city for suspicious characters and reported they had "cleaned out" several "underworld" districts. Troops patrolled the streets.

The following day another Associated Press dispatch dated from Rome gave the following details regarding the progress of pacification in Ethiopia.[1]

An official communique announced today that firing squads had "liquidated" all Ethiopians found with firearms in their homes, in sequel to the attempt Friday to assassinate Viceroy Rodolfo Graziani in Addis Ababa. The communique did not say how many Ethiopians had been shot, but unofficial sources estimated the total at upwards of 100. It was announced formally but vaguely that of the 2000 suspects held, "some hundreds" had been liberated.

Two days later an Associated Press dispatch, dated from Addis Ababa, carried the following news, which apparently marked a crisis for the time being in the pacification of the empire of the Lion of Judah.[2]

Ras Desta Demtu, son-in-law of Haile Selassie and last of the Ethiopian chieftains to dispute Italian occupation, was executed by a firing squad yesterday after his capture by an Italian scouting party. They had been hunting him since Friday, when with 3000 followers, he engaged in battle with Italian forces south of this city.

An official communique said the scouting party surprised the chieftain and a few followers in the mountains south of Addis Ababa. There was a quick exchange of shots, then capture. Ras Desta was fighting with four Italian columns 70 miles south of Addis Ababa Friday while in the capital Ethiopians were trying to kill Marshal Rodolfo Graziani, Viceroy, with hand grenades. Most of Ras Desta's lieutenants were killed in the fight or executed afterward, but the Ras himself escaped. Scouts were put on his trail.

Viceroy Graziani, transmitting the news of Ras Desta's execution today to Premier Mussolini, left no doubt of the Ethiopian's "liquidation." He was captured by men of the tribe he once commanded — native troops from the Northern Tigre region under the command of Capt. Pucci. Viceroy Graziani reported: "Ras Desta was turned over to the firing squad immediately."

[1] From the St. Louis *Post-Dispatch*, Feb. 23, 1937.
[2] *Ibid.*, Feb. 25, 1937.

German Pacification in the Rhineland — Assimilation. Modern, if not ideal, methods of pacification are illustrated by Germany's treatment of Alsace-Lorraine after 1870. Here one finds the whole range of techniques in operation. Force is always in the background and is sometimes employed, but more frequently threats, intrigue, indirect punishments, administrative controls, education, propaganda, and even promises are applied. But the chief resort is to the mellowing effects of isolation and time. Here especially we observe the decline of brutality and of physical destructiveness. The desire to assimilate is now dominant. Barriers of race and culture which were regarded as almost insuperable in earlier times are now considered as entirely conquerable. Even milder cases of pacification might be found in the methods used by the United States in the Philippines or by Soviet Russia in dealing with the independent republics of her empire, but the processes employed in Alsace-Lorraine are excellent for the purpose of illustrating the more enlightened methods of pacification that are being adopted increasingly in assimilating conquered peoples to the conquerors. They also make clear the growing transformation of the method of pacification into that of assimilation. The latter method depends much more upon the use of gentler social pressures than upon violence, although it does not abolish force.

The methods used by the Germans to pacify and assimilate the French inhabitants of Alsace-Lorraine after the conquest of 1870 were not new. They had been employed repeatedly in times past, by Frederick II, by Metternich, and by many other rulers, but they were applied now with more intelligence — because with greater mildness — and perhaps with greater persistence, than ever before. Yet they were harshness itself as compared with the milder methods of offering practically local autonomy employed by the Roman Empire in its best days and by England in her finest examples of colonial administration. "The Germans have certainly never discovered the song the sirens sang," says Professor Hazen. "Legislation and administration, barracks and schools, money and menaces, these are the time-honored weapons of attack to which any people, no matter how wilful or stiff-necked, must in the end succumb. An attentive and ubiquitous police is a monitor to the wayward."[1] These were the methods Germany used. Laws were very soon passed permitting the local governor and military rulers to call out the troops at any time to quiet disturbances, giving the "right to search by day or night the domiciles of the citizen; to remove old offenders and the individuals whose domiciles are not in the places subjected to the state of siege; to order the surrender of arms and munitions, and to search for them and to seize them; to forbid all publications and meetings which he [the officer] considers calculated to excite or encourage disorder." This law, passed in 1871, was not repealed until 1902. It made of the conquered territory nothing less than a dictatorship.

Many things were done to irritate and wear out the resistance of the French-speaking people in the region. Local governmental boundaries were changed, local

[1] Charles Downes Hazen, *Alsace-Lorraine under German Rule* (Henry Holt and Co., New York, 1907), p. 109.

civil officers were removed, and the young men were drafted into the Prussian army and made to do military duty in the enemy's country. Many left Alsace-Lorraine in order to escape this military obligation. The study of French in the schools was practically prohibited. The police made themselves obnoxious by constantly interfering in everything. Local newspapers were suppressed, while the introduction of newspapers and magazines from France was practically prohibited. Even visiting across the boundary was rendered next to impossible. The chancellor even endeavored to force the French to vote for members of the Reichstag who were friendly to the national government, but in this he failed. The result was a governmental retaliation prohibiting the public use of the French language and dissolving the local clubs and associations which would not admit German immigrants sent in from other parts of Germany.

As long as the original generation of French who had been annexed by the Germans survived, such measures merely strengthened their resistance. But after some twenty years had passed the newer generation decided to compromise and sent four conciliatory representatives out of fifteen members to the Reichstag. But the German government would be content with nothing short of complete surrender. It fostered the establishment of new forms of group life and associations, both economic (cooperative) and social as a means to break up the old strictly French solidarity. It even encouraged socialism, because it proved effective in breaking down the French peasants' and small tradesman's traditional individualism. The Catholic church, to which the French were attached, was also used as a weapon. Securing the cooperation of the papal government at Rome, the local priesthood and bishops of French sympathies and birth were replaced as rapidly as possible by other clericals of German birth and German sympathies. The subjects taught in the schools and the attitudes inculcated there under the influence of compulsory attendance likewise produced its inevitable effect upon the susceptible minds of the third generation, less guarded by their fathers than was the case in the first generation. Thus, step by step, active resistance to, if not passive disapproval of, the German government and its system of pacification by means of assimilation was overcome.

The Chief Forms of Assimilation. While the case of the German pacification of Alsace-Lorraine affords a fair example of how pacification formally develops into assimilation after a considerable period of time, this is not the most typical form of assimilation in the modern world. In the ancient world, before the coming of the administrative methods of the Roman empire, it was probably the chief method of assimilation then employed. Moreover, the more peaceful methods of assimilation discoverable in the ancient literatures, such as the partial assimilation of the Hebrews in the land of Goshen and the later assimilation of the Hebrew tribes to the life and culture of the Amorites in the land of Canaan, as detailed in the Old Testament, resemble more closely the methods of pacification and conquest described in this chapter than the modern peaceful methods of assimilation now in vogue. The Hebrews in Goshen apparently never were adequately assimilated, although they appear to have resided in that territory for some generations. Their failure to assimilate was, perhaps, due chiefly to the fact that the Egyp-

tians treated them like a conquered people and enslaved many of their number. The more complete assimilation of the Hebrews in Canaan was largely a matter of mutual accommodation, interrupted frequently by local wars and other forms of strife; but ultimately, after several centuries, the two peoples became one. The captive Jews and Israelites who were taken to Babylon appear to have been assimilated in unequal degrees, the Israelites ultimately losing their cultural individuality; while the Jews, receiving permission to return to Jerusalem before they had become fully assimilated, carried on the Jewish cultural heritage into future generations.

In modern times assimilation is a frequent phenomenon and occurs spontaneously where too great barriers of race, language, or other forms of culture do not interfere with the process, and even these obstacles are unable to prevent ultimate assimilation. Modern ease of assimilation is due to relatively free immigration, which was practically impossible in ancient times, and to close commercial relations and to the many facilities now available for cultural interchange, even between peoples who reside at considerable distances geographically. As a matter of fact, all the peoples of the world are rapidly becoming assimilated to one another culturally and even physically. The chief control agencies in this modern process of ready assimilation are easy transportation, the mechanics of trade and commerce, various educational devices, including the dissemination of languages and knowledge of all sorts, the international distribution of moving pictures, the international influence of the radio, and many minor agencies. Such modern assimilation controls are so extensively treated in various phases of sociological science that we may venture to devote much less attention to them here than their intrinsic importance merits.

Conclusion. We have now reviewed a sufficient number of cases of pacification to enable us to judge the general trends in this process and to predict its final mergence with the method of assimilation. If our cases are typical (the case of Ethiopia constituting possibly a contrary example), pacification technique has become in recent times less violent and has developed in the direction of the employment of other methods than those of force exclusively. This generalization will probably hold in spite of the exceptionally savage methods apparently employed by the Italians in Ethiopia and recently by the Fascist and Nazi powers in Europe. Much less savage destruction of life and property is involved in modern pacification. Motives of conservation and of national improvement tend to replace in some measure those of retaliation and revenge. However, in spite of these more modern trends toward conservation and away from destructiveness in pacification, history appears to show that the severity of the methods used has some consider-

able relation (1) to the degree of culture of the conquerors, the less highly civilized peoples being the more ruthless in their pacification activities, and (2) to the difficulty experienced and the losses sustained by the conquerors. If a people resist long and strenuously and inflict severe injury upon the invading or conquering peoples, the latter are almost certain to retaliate with corresponding rigor in reducing the conquered people to submission, unless some other circumstance or consideration than revenge enter in to mitigate their severity. Where the conquerors are in the minority, the severity of their pacification is likely to be correspondingly marked, because they seek to intimidate their victims against future revolts.

Finally, pacification tends to be transformed into assimilation. In early times the object of pacification seems to have been to make peace by producing a desert. Its present objective seems to be more fittingly characterized as an attempt to stimulate cooperation between the pacifiers and the pacified. Yet it would probably be a mistake to suppose that peaceful assimilation will within any very early period replace pacification entirely. Such transformations of method take place very slowly, partly because it requires a long period of time to familiarize a people as a whole with the advantages of the more conservative and constructive methods, and partly because it will not soon be possible to abolish violent and selfish forms of exploitation in international relations. The recent attacks of Italy upon Ethiopia, of Japan upon China, and of Germany upon Austria and Czechoslovakia appear to indicate that international justice is a concept and a practice as yet considerably in abeyance. Yet, over a long perspective of history, the rigors of conquest and of pacification appear to have been much abated.

STUDENT EXERCISES

1. The instructor may assign any of the cases of pacification mentioned in this chapter, or other cases, to individual members of the class for reports.

2. Individual students may be directed by the instructor to search in historical works for cases of pacification and to report on these cases.

3. Students may be encouraged by the instructor to test the hypothesis of the author that methods of pacification are becoming milder and less destructive and more assimilative by comparing cases at different periods of history.

4. A somewhat more difficult, but a very interesting, type of problem to set for the student is to have him examine the underlying circumstances — especially economic and cultural — which have determined the type of pacification used in various cases.

5. The student will derive profit from a study of the circumstances of the two conquests and pacifications of Jerusalem as depicted in the Bible and in Josephus. Also, A. Hausrath, *A History of the New Testament Times* (L. Huxley, tr.), Vol. IV, or any other standard history of the event, may be consulted for the circumstances of the second case of pacification described.

6. Explain the differences in methods used by Cromwell in his pacification of Ireland, Scotland, and England, respectively.

7. To what extent did these differences of methods correspond to differences in the character and the culture of the peoples?

8. To what extent were they due to more experience on the part of Cromwell when he undertook the later pacification? Questions 7 and 8 may be answered more readily after reading Green's *History of the English People*, Bk. VII, Chs. XI–XII.

9. In what ways did Cromwell's methods of religious pacification differ from those of Laud? (Consult English History.)

10. Why was not Ireland permanently pacified?

11. Why was Scotland more completely pacified?

12. What new elements of procedure and policy were displayed in the pacification of the Indians in New England by the white settlers?

13. Answer the same question with respect to the pacification of the Mohammedan revolt in Syria in 1860.

14. Does there seem to be any difference as to the degree of violence and other methods employed in the pacification of primitive and modern peoples?

15. Does there seem to be any difference in the methods used when the people exercising pacification are high or low in the scale of civilization?

16. What changes in the technique of pacification were made by Germany in Alsace-Lorraine between 1870 and 1914? Consult C. D. Hazen, *Alsace-Lorraine under German Rule*, for answers to questions 16–26 inclusive.

17. What educational devices were used in Alsace-Lorraine?

18. What was the policy of isolation employed?

19. What administrative devices were used?

20. How were religious organizations manipulated toward the end of pacification and assimilation?

21. How was loyalty to socialistic theories made use of?

22. What conflict of policies on the part of administrators did you observe?

23. Characterize the two conflicting administrative policies revealed by this conflict of methods.

24. In what cases was violence resorted to?

25. To what extent was Alsace-Lorraine finally pacified and assimilated?

26. How was this result finally accomplished?

27. What distinction would you make between methods of pacification and assimilation? What similarities exist between them?

28. How successful has the United States been in pacifying and assimilating the Philippines? How do you account for the result there?

29. Why has not England been more successful in India?

30. How do you account for the cooperative relations among the several Soviet Russian republics?

31. Describe the methods of pacification used by the Italians in Ethiopia after their conquest of that country.

32. State recent instances in which assimilation has replaced pacification.

33. What are the essential processes involved in assimilation? For material on this subject consult Park and Burgess, *Introduction to the Science of Sociology*, and Dawson and Gettys, *Introduction to Sociology* (see index to each).

34. Some member of the class should be asked to report on Reconstruction (pacification) after the American Civil War. If interest is sufficient, different students may be assigned to report on reconstruction in different states, and a com-

parison of the methods employed in the several conquered states may be made in class.

35. Students may also be assigned to report on the methods of pacification after the conquests of Cortez and Pizarro in Mexico and Peru. Prescott's works on these two countries will serve as sources if none more adequate are available.

36. Further discussion, based on historical data, of the differences of methods of pacification now employed in countries conquered for occupancy and those conquered merely in line of policy may be had with profit to the class.

37. Students may be assigned with profit to report in some detail on the several cases of ancient assimilation referred to in the text, and on other examples that may be available. Such matters as the aids and obstacles to assimilation and the degree and kinds of assimilation in each case should be brought out. Many libraries will afford materials on these cases in addition to those contained in the Old Testament.

38. If the instructor desires to have the class go further into the techniques of present day assimilation he may of course find an abundance of materials for assignments in the treatises on general sociology, race, and immigration, as well as on the subject of culture specifically.

39. Julius Drachsler's *Democracy and Assimilation* might be used as the basis of reports on assimilation from several angles, especially with reference to intermarriage, ethnic fusion, Americanization, etc.

Chapter VI

SOCIAL CONTROL BY MEANS OF PUNISHMENT

Punishment and Pacification. A ninth phase of the use of force for purposes of social control is commonly designated as punishment. This is one of the oldest and most widespread of the applications of force to the problem of social control. The student will at once observe that it cannot be separated entirely from the other eight force methods which have already been described. In fact, it is very closely connected with pacification, which sometimes, perhaps usually, takes the form of punishment. However, the reputed aim of pacification is not so much that of punishment as it is the reduction of a disorganized and insurgent social situation to order. Punishment may also aim at restoration of or reduction to orderly conduct, but originally it had in it much more the aim of inflicting suffering and retaliation, of revenge and expiation, than it had of reestablishing a normal condition. Latterly punishment has lost a good deal of its retaliatory and expiatory content and has aimed at the restoration of the individual to society by one device or another, or of eliminating him from a society to which presumably he cannot be restored. On the other hand, as we have had occasion to observe from some of the cases recorded in the previous chapter, the attitude of revenge has not always been absent from the motives operating in the minds of those responsible for pacification.

Perhaps the most decided distinction between pacification and punishment lies in the fact that the former is a collective process of social control and the latter is an individual process, or is at least usually administered at the most to relatively small groups. The former process applies to those reprisals taken upon groups sufficiently large to be regarded as having been in rebellion. Individuals and groups too small to be considered as insurrectionary, when controlled more or less violently, are said to be punished. It would constitute a somewhat incongruous use of language to characterize the forceful restraint of individuals and of small groups as pacification. In a somewhat related manner, we do not ordinarily apply the term punishment to the defeat of an army or to the suppression of a revolt or a revolution. Here we are dealing with collectivities and the term punishment does not seem to apply or conform to accepted usage.

Punishment and Other Acts of Force. The reader will, however, note similarities between punishment and other forms of the exercise of force described in Chapter IV. No doubt those who participated in or rejoiced at the personal attack upon Deputy Blum considered it to be a just, if not a legal, punishment for Blum's verbal attacks upon the royalists and conservatives. The faction responsible for the killing and wounding of members of the group of demonstrators before the municipal palace in Guadalajara, Mexico, doubtless also considered that they were meting out a just penalty for their opposition. So also must have thought the strikers at San Francisco and Toledo, and the forces who attempted to counteract their attacks by means of violence. Perhaps also some such justification may have been in the minds of the Nazi and Soviet authorities who administered such short shrift to their prisoners. They even conformed in some slight manner to the forms of legality, as was not done in all the other cases previously mentioned, in order to give to the "punishment" meted out some semblance of justice. Even the nations at war in the period 1914–1918 sometimes spoke of punishing one another. The author has been told by a former German subject that the school children in Germany were taught during the Great War to pray daily, "God, punish England." Moreover, the militarist looks upon the harshness used toward conscientious objectors as a just punishment for what he considers a lack of patriotism. Finally, when a man under the influence of anger attacks another personally he frequently refers to his act as one of punishment.

Definition of Punishment. But none of these acts of violence is, technically speaking, punishment, unless we except as doubtful the cases of violence done to conscientious objectors and the reprisals of the Nazis and of the Bolsheviks. Punishment is commonly regarded as a deliberate act undertaken for the purpose of reestablishing a normal or equitable relationship between two or more persons when such relationship has been disturbed or violated. This is the general formula of the intent and aim of punishment regardless of what method of punishment is applied. Punishment is further to be distinguished from other acts of violent or non-violent coercion by the fact that the persons who undertake to administer it have a legal right or obligation to do so. Says F. H. Wines,[1]

> Punishment is inflicted, not by the State alone, but by all persons vested with any measure of legal authority, however local or temporary: by parents upon their children, by teachers upon their pupils, by masters upon their slaves, by employers upon their employees, by military and other officers upon their subordinates, and by the Church upon those subject to its ecclesiastical jurisdiction.

[1] From F. H. Wines, *Punishment and Reformation* (Thomas Y. Crowell Co., New York, 1895), p. 281.

It is this limitation to legality which would exclude most acts of violence undertaken by individuals and groups as described above from the category of punishment.

It is not desirable to enter here into an extended discussion of a classification of punishments. This may be left to treatises on penology and the criminal law. In a general work on social control it is sufficient to indicate the motives for punishment, the major outlines of its history, including the present trends, and especially some of the force and other techniques used for special and general social ends.

Gradients and Conceptions of Punishment. In no other aspect of social control has there been a more marked evolution of ends and means than in that of punishment. With regard to the objectives of punishment there has been a well defined development from the motive of revenge against the offender to that of his reeducation and restoration to normal contacts with society, an evolutionary process discussed by McConnell and in Wines in selections which follow. Also, as the motivation to punishment has been transformed gradually into that for moral restoration and social guidance, the means of punishment have undergone a corresponding evolution. The use of force in punishment has conspicuously diminished with the passage of time; but it still persists to a large extent when applied by military and political organs. Its use has been greatly lessened in family control and in industry, and has almost entirely disappeared in religious life and in the higher aspects of moral control. Because punishment as a modern ethical control differs so greatly from its early use as a nonethical or force control, we shall treat this subject in two separate chapters. At this point we shall show the development of punishment as a technique of control by means of force and its survival, especially on the political side, into modern times. In a later chapter we shall discuss punishment as an ethical control and as a social restorative to normal behavior and acceptable social readjustment.

The Objectives of Punishment. McConnell has defined the historic objects of punishment as four: expiation, retribution, deterrence, and reformation.[1] F. H. Wines has combined the first two motives of McConnell into the subjective and objective aspects of the same motive and added a new category, thus also holding to four fundamental objectives in punishment. He says,[2]

> There have been four distinct stages in the evolution of criminal law. The first was the era of vengeance, or retribution; the second, that of repression; the third, that of attempted reformation and rehabilitation; the fourth, of which we see as yet

[1] Ray Madding McConnell, *Criminal Responsibility and Social Constraint* (Chas. Scribner's Sons, New York, 1912), p. 5.

[2] From F. H. Wines, *Punishment and Reformation* (Thomas Y. Crowell Co., New York, 1895), pp. 6–8.

but the early dawn, is that of prevention. We shall see, as we proceed, how these must have followed each other in the precise order here indicated.

It is of absorbing interest to trace the successive steps by which each of these conceptions of the function of criminal legislation has faded into that which immediately replaced it. The *lex talionis* was the original and barbarous foundation of the penal code. Retaliation, at first a private right, became, in the lapse of time, a public duty. The penalty of death, once the usual and all but universal form of vengeance, could be avoided by pecuniary compensation; and when the primitive State took into its own hands the regulation of such composition, the foundation of a true criminal jurisprudence was laid. The State and the Church then took upon themselves the task of suppressing crime by measures of severity, designed to intimidate would-be criminals by the terrors of torture, in all its hideous forms. This conception held humanity in its unrelenting grasp, not for centuries, but for thousands of years. Judicial and ecclesiastical murders were for ages regarded as the essential safeguard of social order and private security. Banishment was invented as a humane substitute for capital punishment. Prisons were merely places in which the accused awaited trial, or the condemned awaited execution. Beccaria gave the final blow which resulted in the overthrow of torture, and his influence is largely responsible for the gradual disuse and partial abolition of the death penalty.

John Howard pointed out how imprisonment might itself be made a legal penalty, and at the same time a means of reformation of law-breakers. These two reformers were contemporaries. The entire movement for the amendment of the criminal law, and for the reform of prisons, is vitally connected with the growth of democratic ideas and institutions. It may almost be said to date from the American and the French Revolutions. It was greatly, and on the whole favorably, influenced by the discovery of Australia, and by the English experiments tried on that distant soil, under the system of transportation, which lasted for eighty years, before its failure was formally acknowledged. With the general acceptance throughout Christendom of imprisonment as practically the only secondary punishment, the criminal has become an object of attentive scientific study. The attempt to reform him has led to the invention of three systems of prison discipline: the Pennsylvania, the Auburn, and the Elmira. Penologists are divided into three camps, as they favor one or the other of these systems. The incomplete success of either has led many to doubt the efficiency of all methods which may be adopted for the renovation of the criminal character and impulses. Their persistence has led to new studies of the criminal, in his heredity and in his biological development, which have taken the name of criminology or criminal anthropology. But all are agreed that the principal hope of any material reduction in the volume of crime lies in its prevention, rather than in its cure. Society now seeks a better knowledge and more effectual enforcement of the laws of moral hygiene.

Suitability of the Term Punishment. Of course it may be questioned whether the most valuable reformatory measures are really punitive, and if they are to be so classified it is solely because they are administered under restraint of liberty and not because they normally work a hardship upon the prisoner. Except for the element of restraint involved, education, hygienic regimen, healthful labor, and other reformatory procedures do not differ when administered in prison from their application outside. Even more properly may it be urged that pre-

ventive treatment is rarely or never punitive. Neither do reformation and prevention necessarily involve the use of force. But such contradictions may be passed over for the present.

It is not our intention in this chapter to treat preventive and reformatory punishments. This aspect of the subject will be considered in Chapter XVIII in connection with the subject of ethical as distinguished from force controls.

Primitive Punishments. We are here concerned not so much with the motives for or the sanctions of punishment as with the modes or techniques used in the process of punishment. In this part of the volume we are dealing with the force techniques, and therefore we shall concentrate on the more or less violent forms of punishment. In fact, it is the essential and original character of punishment that it employs violence. Only in the later forms of its development have gentler and more persuasive types of punishment been substituted for the older violent techniques; and almost in direct proportion as this substitution has been made has punishment itself given way to other methods of control and the restoration of the normal or equitable social relationships which have been destroyed or weakened by the crime or other fault of the accused. The only reason we have, therefore, for specifying at all the historic motives to punishment is that we may have some tangible and reasonable explanation of the violence of early modes of punishment and of the relative mildness of the later procedures.

Of the earliest forms of punishment we know little directly, except such incidental sidelights on the subject as we can gain from stray references to the subject in the earlier records of mankind. From the anthropological studies of primitive contemporaries we can also draw many interesting and illuminating inferences regarding this subject, since it is probably allowable to assume that their present practices (when apparently not influenced by contacts with the white culture) do not differ essentially from those of early primitive men. Both the anthropological and the historical evidences lead us to infer that earlier punishments made at least as much use of force and violence in punishment as we find in our own early history, in which the application of force to social control has been so marked and persistent. The only respect in which earlier men were inferior in this employment of violence was that they did not have as many mechanical devices and as many occasions for the application of force as have modern peoples. As mechanical inventiveness increased and as the complexity of society resulted in a greater number of violations of customs and law, punishments themselves came to be more numerous and varied in form, but scarcely more cruel.

Cruelty of Primitive Punishments. On the whole the punishments employed by the primitives appear to have been more crude and perhaps even more cruel than those of historic times. Death by scalping was common among the American Indians and other peoples, although this deed may perhaps be regarded as an act of reprisal or competitive self-assertion rather than of punishment. The same might perhaps be said of the infliction of death by the destruction of vital organs, of maiming, and of human sacrifice, although in these acts also there was perhaps always in the earliest times some sort of magical significance. The wanton destruction of life by primitive head hunters for the sake of testimonials of the warrior's prowess was primarily a status-getting act, but it also usually carried with it some of the significance of punishment for similar past aggressions on the part of the victims or of members of their tribes. Punishment by burning at the stake, interment, precipitation, spearing or impaling, clubbing, starvation, suffocation and drowning, and even by magical practices of various sorts, were among the most common methods of inflicting the death penalty among primitive peoples. Such punishments do not differ very greatly in form from those of early historic times.

Early Lack of Variety in Punishments. There was much less variety in the forms of punishment used by primitive than by modern men. We have already indicated the reason for this fact as far as it is to be explained by the simpler mechanical and administrative devices of primitive life. Another evidence of their lack of variety in techniques of punishment is the fact that they made little use of imprisonment. This omission was due to a number of causes, such as the nomadic character of primitive life and the consequent impossibility of carrying prisoners about with them, the lack of surplus food with which to feed persons who did not share in food production or raids, and the difficulty of building, with the tools and materials they had, prisons which would restrain prisoners. They were compelled to detail some of their precious supply of able bodied men to the duty of guarding such prisoners as they did retain alive. In general, very early primitive men simply had no use for prisoners and no place to put them. In a sense, however, enslavement, either of captives taken in war or of offenders within their own tribe, sometimes took the place of imprisonment, especially in those tribes that had advanced sufficiently in culture to make slaves of value to them. In any case, the inability and the lack of desire to keep prisoners may be said to have influenced markedly the greater cruelty and violence of primitive punitive methods.

Reasons for Violence and Cruelty. When the history of punishments begins to be recorded, we find a considerable number of types in existence and many of these of surprising violence. The question has often

been asked why did our ancestors use so liberally these violent and cruel modes of punishing offenders against law and custom. It was doubtless in part the result of their resentment at the persons who violated the established usages. In any age in which the conditions of life are very strenuous and the surplus of wealth that stands between life and death is relatively slight, or when physical safety is by no means assured, people are very intolerant of behavior out of the ordinary, and especially if they fear that it will offend the supernatural forces that have power over them, that it will betray them into the hands of the enemy, or bring upon them a shortage of the necessaries of life. There is in early times (primitive or historical) little of that wide tolerance which is ordinarily so characteristic of our age of comparative plenty and safety, when the fear of the malevolence of the supernatural has almost vanished. Only in war time do we see anything that approaches the early intolerance of insecurely based societies.

Another explanation of the extreme violence and cruelty of early punishments (both primitive and historical) was that the ignorance of the psychology of motivation of early peoples led them actually to believe that severe punishments would effectively deter people from criminal acts. Of course this assumption is in a measure correct. But many factors have to be taken into consideration in using severe punishments as a means of deterring people from crime. The fear of punishment must be a stronger motive than the promised satisfaction of the criminal or forbidden act. Also, the person tempted to commit the crime must be in a rational frame of mind if he is to be able effectively to weigh the threat of punishment over against the reward of the violation of law and custom. Likewise, the chances of escaping the penalty must be reduced to a minimum, which means that there must be an efficient machinery of justice, which was not always the case in early historic or primitive times. And, finally, the difference in power of motivation between a distant and somewhat indefinite danger of punishment and the immediacy of the anticipated fruit of the crime must be taken into account. The less well trained people are in objective thinking and in prevision and precaution the less likely are they to weigh the penal consequences of their acts. But a general appreciation of these facts of psychology has come late to mankind, and its influence upon the ordering of punishment has been rather tardy in manifesting itself. We now believe that other and more constructive methods are more efficacious than severe punishments in conditioning men to normal social behavior and to an avoidance of crime.

Severity and Social Insecurity. The two explanations of the greater severity of punishment in early times offered above will be seen to refer particularly to the first two motives in punishment discussed

earlier in this chapter. The revenge or retaliation motive is necessarily stronger in a phase of society which is manifestly insecure because of either or all of the dangers referred to above. The same principle of severity of retaliation also applies where some tyrant who has usurped the power of the people feels himself in a precarious situation. Great severity of punishment in historic times has often accompanied such disturbed political conditions as these. When society began to take a preventive attitude toward crime, strenuous methods of repression by means of severe punishments were especially to be expected. Only after this method had been tried and found in considerable measure disappointing could more constructive methods of social control come to supplement and in some degree to replace violent repressive measures.

Retribution and Deterrence as Motives to Punishment. Punishment originally was perhaps an immediate anger reaction, such as we see still among animals and young children. When hurt, they either withdraw from the object causing pain or injury, or they strike back and attempt to destroy or put to flight the pain-giving object. It is but a step further to develop this second reaction into a more or less rationally controlled process in which there is some sort of plan of execution as well as immediate emotional response. Thus even early socially controlled and directed punishment was retributive; that is, it grew out of the anger reaction. With more deliberation, it became evident that the injury suffered might, at least in some instances, be prevented or avoided by punishment. Thus punishment came to be not merely an individual or a collective act of revenge, but it became preventive in the earliest sense of that term. By making the culprit suffer sufficiently he would not repeat his annoying act against the one who had previously suffered. With a little more altruism, it became evident that punishment of the evil doer might also protect others from his acts of violence. Thus was born the motive of deterrence in punishment. Wines gives an account of the philosophy of these two motives to punishment.[1]

> The motive of retributory punishment is the desire to obtain indemnity for the past; that of deterrent punishment is the wish to gain security for the future. Retributory punishment is supposed to be an effort to adjust and close an account, on a mathematical basis; it is the equation of guilt and suffering — the suffering of the wrong-doer against that of the party wronged, including the state with the individual. Or if guilt is measured, not by the resulting damage, but by the intention of the culprit, there is still, in the minds of those who justify the infliction of pain and loss upon a fellow-man on the ground of the satisfaction of abstract justice, a vague notion that some ascertainable or nonascertainable amount of

[1] From F. H. Wines, *Punishment and Reformation* (Thomas Y. Crowell Co., New York, 1895), pp. 48–49.

sorrow or agony, endured voluntarily or under compulsion by the guilty, will exactly balance the selfishness and malice which prompt any criminal action. Many men, looking at the question from its purely ethical side, imagine that punishment on any other basis is immoral. Others think that man has neither the power to read the heart and estimate guilt, nor the right to avenge it, but that such power and right are the prerogative of Deity. Instead of seeking to restore the lost equilibrium of two hostile individuals in their relation to each other, or the equilibrium between any individual and the community, they have in view the sole end of protecting the community against a repetition of the offence; and, to secure this end, they are ready to sacrifice any number of individuals. As against the social whole, in their opinion, the individual has no rights. That is to say, he has no rights which society is bound to respect, in comparison with its own real or fancied safety. The suffering inflicted upon the criminal may be more or less than he deserves, from the point of view of strict equity; but it does not matter, if the deterrent influence of the example is not lost upon others, who might otherwise be tempted to break the law after the same fashion. It would be idle to cherish the hope that the time will ever come when mankind will accept one of these theories to the exclusion of the other. Historically, they have coexisted; and they find by turns an echo in the approving thought of all intelligent men. On either theory, there is practically no limit to the degree of pain which may lawfully be visited upon victims of the law's displeasure.

The Shocking History of Punishment. With such an analysis before us, we are perhaps better prepared for the shocking recital of punitive cruelties set forth in the following descriptive passages. This recital by Dr. Wines had a very considerable influence upon the growth of leniency in punishment and upon the development of the more constructive measures of handling offenders which have characterized the present generation. Dr. Wines' summary of methods of punishment follows.[1]

In entering upon the painful task of recounting the history of inhumanity by which the administration of the criminal law has been disfigured and disgraced, in all ages and in every quarter of the globe, I shall not . . . endeavor to analyze the precise motive which prompted each of the several acts of cruelty which it is necessary to describe. The reason for entering upon this branch of the general subject is that it really forms the larger part of the history of the treatment of crime, extending from the dawn of civilization to a very recent period; and that it is the dark and bloody background against which modern theories of the purpose and methods of treatment stand out in shining relief. . . .

All possible cruelties fall into two great divisions, according as they do or do not terminate in the death of the victim. . . .

Death is the most ancient of all penalties, and the most common in antiquity, as it still is among savages. It is the most effectual mode of getting rid of troublesome or offensive characters; and the feeling of revenge, when in active operation and unrestrained by the considerations which appeal to the intellect and conscience of civilized men, is an impulse which grows by what it feeds upon, and very easily

[1] From F. H. Wines, *Punishment and Reformation* (T. Y. Crowell Company, New York, 1895), pp. 49–51.

runs to excess, nor stops short until the extreme limit of possible agony has been inflicted upon the sufferer.

Among the modes of taking human life which are or have been practised by conquerors and rulers, may be mentioned: burning, beheading, hanging, drawing and quartering, breaking on the wheel, crucifixion, strangulation, suffocation, drowning, precipitation from a height, stoning, sawing asunder, flaying alive, crushing beneath wheels or the feet of animals, throwing to the wild beasts, compulsory combat in the arena, burying alive, boiling, empaling, pressing, piercing with javelins, shooting, starving, poison, the troughs, melted lead, serpents, blowing from the mouth of a cannon, and electrocution. I have named about thirty different ways of taking life, under some of which a number of sub-varieties may be specified.

Through almost twenty pages Wines draws a vivid and gruesome picture of the details of these various methods of inflicting the death penalty. It is not possible to include here, from Wines or from other authors, an account so extensive, but the student can easily find such descriptive data in the sources.[1]

Punishments Not Involving Death. In the preceding summary of modes of punishment taken from Wines only those involving death were mentioned. In many cases the infliction of death was a mercy to those punished. Many other "secondary punishments" were merely the preludes to a lingering death or to continued disablement and were so severe and so incapacitating that the infliction of death might well have been preferred by the victims. A brief and partial summary of some of these punishments abstracted from a much longer description of them by Wines follows.[2] The fuller details may be found in the work cited.

Mutilation of the body is an ancient penalty known to the Egyptians, who cut out the tongues of those who betrayed the secrets of the state, and cut off the hands of forgers and counterfeiters, with an apparent purpose in both cases to make the punishment fit the crime, and, at the same time, effectually to prevent its repetition; the Egyptian penalty for rape was of a similar nature. . . . Louis XV of France placarded the camp at Compiegne in 1765 with the announcement, that any soldier who should blaspheme the name of God, the Virgin, or any of the saints, should have his tongue pierced with a hot iron.

Another form of disgraceful marking was by branding. In Athens, slaves were branded with the names of their masters; soldiers, with those of their generals. The Athenians branded their prisoners of war. . . .

Flogging was authorized by the Mosaic code. "The judge shall cause him to lie down, and to be beaten before his face, according to his fault, by a certain number. Forty stripes he may give him, and not exceed; lest if he should exceed, and beat him above these with many stripes, then thy brother should seem vile unto thee." . . .

[1] See, for example, F. H. Wines, *Punishment and Reformation*, pp. 51–69, or H. E. Barnes, *The Story of Punishment*, and also his *The Repression of Crime*. See also John Laurence, *A History of Capital Punishment* (S. Low, Marston and Co., London).

[2] Adapted from F. H. Wines, *Punishment and Reformation* (T. Y. Crowell Co., New York, 1895), pp. 70–85.

The status of a prisoner is in many respects analogous to that of a slave. . . . Mines and quarries were worked by convicts in Greece and in Rome. . . .

Interdiction and civic degradation are other incidents of the loss of personal liberty. In modern times and in civilized nations they go no farther than the temporary or permanent denial to a convict of his proper rank, or of the right to vote, to hold office, to serve on a jury, to carry arms, and (in France) to wear a decoration, or be employed as a teacher. But, as in the case of the Patarines, . . . the denial might extend to rights essential to the preservation of life. In the early history of Rome, a citizen might be interdicted the use of fire and water. The purpose of this was to compel him to exile himself, since he could not legally be banished. Draco, the Athenian lawgiver, excluded murderers from the temples, the games, from public banquets and assemblies. . . .

Closely connected with civic degradation were the insults heaped upon offenders, in their public exposure both before and after death. The pillory and the stocks are the forms of exposure best known to us, and need no description. . . . The Spanish mantle (of which there is an engraving in John Howard's book) was a cask, with holes cut through the sides for the prisoner's arms, and through the top for his head; he wore it like a coat, and in this ridiculous costume was marched around the town at a cart's tail. . . .

Exile . . . is essentially an alternative for the death sentence, and has the same effect, so far as the community which desires to rid itself of a culprit is in question. . . .

Outlawry may also be regarded as a sub-variety of exile.

Forms of Torture. Not only have cruel and violent punishments been assessed upon persons who were duly convicted of crime, but torture has been used throughout history as a means to obtain a confession of guilt. Thus torture may be regarded as a form of punishment based on suspicion (or sometimes on fraud, before conviction of crime). Strange and unjustifiable as it may seem, this practice has been almost universal in earlier times and it still continues, as we shall see, in the form of the third degree. Various motives account for the persistence of torture of this type beyond the period of primitive times, and the age of tyrants. Sometimes torture was used to extract a confession from a rival in order that he might be punished with a semblance of justice. In other cases there were monetary rewards, the reputation of the captor or police or prosecutor was at stake; or even a strong conviction that the one accused was guilty served as the motive to such torture. The hatred that sometimes grows up between the police or other authorities charged with detection of crime on the one hand and the criminals with their provoking evasions, silence, and defiance on the other hand is frequently sufficient to explain the practice. Some of the historic procedures connected with the use of torture as a means to the extortion of confessions are reviewed briefly in the following passage.[1]

[1] Adapted from Harry Elmer Barnes, *The Story of Punishment* (The Stratford Co., Boston, 1930), pp. 10–15.

Torture is often regarded as a method of punishing the guilty. It is quite true that many forms of punishment which have been imposed upon those guilty of crime have been painful in the extreme and have literally been a case of torture to those upon whom the punishments were inflicted. In a technical and legal sense, however, torture has been applied, not for the purpose of punishing those already adjudged guilty, but as a device for extracting confessions of guilt or disclosing incriminating information relative to others. Hence, it is necessary to distinguish definitely between the application of cruel punishments after conviction. It was not, of course unusual in periods like early modern times to employ methods of torture as a means of punishment after conviction, but we are here concerned with torture as a means of ascertaining guilt. . . .

The period of active torture was usually preceded by imprisonment in a foul dungeon or a small cell. It was particularly common to incarcerate the individual in a cold, damp, vermin-infested dungeon or to put him in a cell so small that he could neither sit, stand nor recline with any comfort. He was ill-fed and was left in this uncomfortable and half-starved condition to contemplate the infinitely worse tortures which he was well aware remained in store for him. If it was winter time he was likely to be half frozen and in the summer he might be half suffocated.

In due time the accused person was brought into the torture room to face his accusers and those in charge of the application of torture. The general setting of the torture room was in keeping with the gruesome nature of the contemplated ceremonies. The officials were usually seated or standing about a long table covered with red cloth, and the room was frequently lighted with red fire. The first stage of torture was, then, primarily psychological and has sometimes been called the stage of *territion*. It was mental torture, produced by uncertainty of the nature of the impending torture, the terrifying nature of the torture chamber and the ominous conduct of the judges. A usual phase of the preliminary period of mental torture was to allow the prospective victim to view at length the various instruments of torture. Sometimes the victim was given a taste of the actual torture to come.

Next began the stages of actual physical torture. This was often initiated by tying the hands of the accused person behind his back and then drawing him up by a rope and pulley — the so-called "strappado." In being pulled up thus by his wrists his shoulders were wrenched from their sockets without leaving any outward mark.

The next stage of torture was most frequently devoted to the process known as stretching on a ladder. The accused person's hands were fastened to the top of the ladder and his feet tied to a pulley. He was then stretched until it was possible to see his visceral organs outlined against a light held behind his back. During the stretching process it was common to drop hot pitch or sulphur on the body of the person being stretched and to burn off the hair under his armpits.

The stretching or other preliminary processes were accompanied by much more painful applications. Thumb-screws were frequently employed. These were instruments whereby pieces of wood were closed down upon the thumb in such a fashion as to crush both the flesh and the bones of the thumb. The "Spanish boots" were a similar device, only that they were applied to the lower leg instead of the thumb. They enabled one to screw the pieces of wood down onto the shins in such a fashion as to crush the shin-bones. The pain was intensified by lining the inside of these pieces of wood with sharp iron spikes which penetrated the flesh before the wooden pieces began the crushing process. The accused was often stripped and drops of water allowed to fall steadily on his bare stomach or back. Again salt

water was applied to the soles of the feet and goats allowed to lick them. These devices, while seemingly mild, produced great agony when prolonged. Another practice was that of putting heavy leather boots on the accused and then pouring hot water on the leather. This in due time led to the boiling and disintegration of the flesh of the foot and lower leg. Sometimes the legs were put in metal boots and molten lead poured in to consume flesh and bone.

Another popular form of torture in the fourth stage was what was known in German as the *Schnüre*. In this torture a rope was usually wound around the wrists of the accused and then drawn back and forth by the torturers with a sawing motion, thus cutting and rubbing away the flesh down to the bone. Another type of rope torture consisted in winding a rope about the arm so tightly that the flesh was pressed out between each coil of the rope. To increase the pain the torturer would then beat the arm with a cord or lash. Then the legs and feet were frequently bound tightly and securely together and wooden wedges driven between them with great force.

Common also was the combination of the water torture and strangulation. A piece of damp cloth would be placed upon the tongue and a stream of water allowed to trickle on it. In the process of breathing and swallowing the cloth would be drawn into the throat and produced partial strangulation. The cloth would then be pulled out and the act repeated. Upon being pulled out the cloth would frequently be found to be saturated with blood. . . .

Other types of torture resorted to in this fourth stage were such things as forcing on spiked collars, tearing out strips of flesh with pincers, poking the victims with white-hot irons, tearing out the tongue, gagging and choking, which at times tore open the mouth or broke the jaw-bones, and the most cruel and brutal forms of flogging. Mild applications of the rack, with the results falling short of death, were often used in this stage of torture. Common also was the so-called "suassation," where a man with weights tied to his feet was pulled high in the air and then allowed to fall suddenly, so as to tear his tendons and dislocate his joints. Another very painful torture of this grade was to bind the person in a chair with the end of his spine pressing full weight on a sharp piece of steel or a pointed diamond. Women as well as men were subjected to torture of this sort, and, in addition, had inflicted on them specially painful types of torture such as having their breasts cut off with appropriately constructed shears. During the second, third and fourth stages of torture the less intensive and active intervals might be utilized by such diversions as driving wooden pegs under the finger and toe nails of the victim.

If confession was not forced by some one of the first four stages of torture the officials proceeded to the fifth stage which often led to death during torture. The spiked barrel and the spiked cradle were frequently employed. In the spiked cradle the victim was rocked back and forth in a V-shaped receptacle from which sharp-pointed nails protruded and penetrated the body of the victim as he rolled to and fro. The spiked barrel represented a similar type of torture and is self-explanatory. Spiked stools were also widely used.

Among the fatal forms of torture utilized in the fifth stage were the rack, the "iron maiden," breaking-on-the-wheel, sawing or hacking the victim to pieces, and the pressure torture known as *peine forte et dure*. . . .

The full four or five stages of torture were, of course, rarely employed. The resistance of the person being tortured usually broke down before his torturers could get to the final stages. The forms of torture which meant death were usually applied as penalties rather than as a phase of forcing confession.

The "Third Degree." The modern form which this compulsive torture takes is, as was remarked above, known as the "third degree." It is widely used by the police in spite of the fact that it is known to be illegal. It is rarely or never punished, unless it results in the death of the victim, and even then the punishment is usually merely nominal. The reasons why the public tolerates the use of the third degree upon criminals, and perhaps also why in the majority of cases the police employ it, are the inadequate crime detection technique available to the police and the fact that the laws of procedure of the courts are so favorable to criminals that they have become excessively bold and in large measure defy conviction and punishment. Both the public and the police resent this latter handicap and in a measure compensate for their disadvantage by trying to extort confessions beforehand. There is a fairly extensive literature on this subject, of which the following passage is a self explanatory sample.[1]

The discovery of murder by means of necromantic incantations seems to be among the established principles of the third degree. In the case of the State *vs.* Albert Ellis, certain legal guardians of Missouri submitted a suspected citizen to eighteen hours of continuous questioning, the police acting in relays. He was not allowed to sleep, nor was he given any food. Two officers took turns in slapping him, and his shoes were taken from him. At one time he was stripped of his clothing, and required to look at bright reflectors. After referring to the foregoing as the "undisputed facts," the opinion of the State Supreme Court continues: "He was compelled on Saturday afternoon, and again before daylight on Sunday morning, to go with police officers to the vacant lot where the deceased was murdered, and then, while it was yet night, to go to the undertakers and stand before the body of deceased while a light was flashed on her face. He was required to put his hand on the corpse."

In reading a Chicago case (the People *vs.* Cope, 1931), one suspects the *modus operandi* was suggested by gangdom, although the accused was not a professional rogue, and the offense was comparatively minor. The defendant was being held for the theft of an automobile. But the chief of detectives, Michael Grady, wanted him to confess also a murder. Renouncing the intellectual labors involved in the subtle analysis of external clues, the learned investigator undertook a sort of vivisection of the prisoner: "He put Cope on a chair and asked him if he was going to talk, and when Cope said he had nothing to say, Grady kicked him on the shins, bent him back by the neck, got up and kicked him in the stomach, and hit him with a blackjack on his knees and legs. This lasted about half an hour. He was brought out of the cell several times and was threatened and beaten."

Evidently this was insufficient to compel him to sign certain typewritten sheets prepared by the officers. But the "voluntary statement" was duly made a day later, when further appeals were directed to his conscience. The court continued: "He was taken out of his cell up to the gymnasium and they chained his ankles together and strung him up. The desk sergeant did that (who also) hit him on the back twice with his fist. Cope was suspended in that position for about five minutes and then taken down."

[1] From Anthony M. Turano, "The Brutalities of the Police," *The American Mercury*, XXXII: 344–345 (July, 1934).

A confession extorted through similar agonies was held of no legal effect by the New York Court of Appeals, in the State *vs.* Barbato (1930), while Cardozo was its Chief Judge. In summing up the prisoner's narrative of his treatment at a police station in New York City, the court said: "Defendant testified that one of the police officers struck him on the jaw, and knocked him to the floor; that the other two pulled his hair, and knocked him about with blackjacks, kicked him, cursed him, threatened to kill him, and made him write, 'I kill Julia Mussok' because they menaced him with further abuse if he refused."

On the next day, when arraigned in the Bronx Homicide Court, the accused man asked the judge for protection (!) against the sworn officers of peace and public safety. When he was committed to the Bronx County jail, the warden found it advisable to call a doctor. His findings were: "Black and blue marks over right arm; tumor of the blood over middle of the arm; several abrasions over right elbow and right forearm; livid stripes over right forearm and back of right hand; black and blue marks over left arm and also over both eyelids of left eye, and over cheek bone; abrasions over temporal region, back of the neck, and shoulder blade, both sides of the back, and left lumbar region; black and blue marks at buttock and over left thigh, and back of both thighs; abrasions on right leg."

The "Third Degree" Condemned. It is significant that in the more civilized countries torture of the old style described by Harry Elmer Barnes in the passage quoted above has disappeared and the third degree, even when carried on with the ostensible purpose of furthering justice, must be performed in secret. Another case, taken from a daily newspaper, is that of a woman suspected of murdering her children put to the torture without securing a confession. The editorial comment which follows the narration of the case is pertinent to our discussion.[1]

In order to force from Gladys May Parks a confession that she murdered the two Rogers children the criminal authorities in Camden have employed "third-degree" methods. Day after day, for long hours at a stretch, without sleep, without rest, she was questioned in the hope that she would break down. After previous failures, the detectives at last kept her on the rack for over twenty-five hours without intermission. Through it all the woman stuck to her first story that the two children came to their death by accident and that she had concealed their bodies. Although she was in a state of physical collapse, the police could get nothing further from her in support of their belief that she was guilty of murder.

We like to think that in this age we have discarded the mediaeval mode of getting evidence by torture. We profess to look with horror on the use of physical violence for the purpose of compelling a prisoner to admit the commission of a crime. But how different in fact are these practices of the officers of the law in New Jersey from the use of torture in bygone ages? Only in a measure do the methods vary: the end is the same — by downright cruelty and mental pain to wring from the lips of a prisoner the final testimony that shall prove guilt beyond possibility of denial.

It is in the name of the law, presumably, and in furtherance of the administration of justice, that the District Attorney and detectives of Camden have conducted their preliminary examination of the Parks woman by hateful methods. Ordinarily

[1] From the New York *World* (now the New York *World-Telegram*), Nov. 18, 1929.

where the police use the "third degree" they take pains to keep it quiet. In New Jersey the authorities, perhaps because there was little in the circumstances of the case to arouse sympathy for the defendant, have disregarded public opinion. It is time they were brought to a sharp halt. It is time they were taught that they cannot with impunity abuse their powers even against the most helpless of those who fall into their hands, and that they cannot use the law to cover up their own offenses against law and justice.

The "Third Degree" Punished? Slowly public opinion asserts itself against the "third degree" and there is a demand for the punishment of its perpetrators. Such punishment would occur more frequently were it not so difficult to secure the conviction of offenders under our faulty criminal law, which gives too great an advantage to the accused and permits unscrupulous attorneys to prevent by one method or another the execution of justice. The following case, dated from Hot Springs, Arkansas, represents the more modern and humanitarian demand for the punishment of the police when they resort to illegal and brutal means in order to secure a confession.[1] By way of explanation of the news item, it is proper to remark that severe beating of the body adjacent to the lungs frequently produces pneumonia. There were no convictions in this instance.

A Garland County grand jury indicted seven policemen last night on second-degree murder charges following an investigation of the death of John Dickson, 32-year-old prisoner in the city jail. The seven, three of whom had been suspended by Mayor Leo P. McLaughlin pending outcome of the inquiry, were arrested by county officers.

The seven are accused of "wilfully and with malice aforethought assaulting and murdering" Dickson by "striking, kicking and beating him on the back and other parts of the body with a blunt instrument."

Dickson died Christmas eve. The death certificate showed pneumonia as the cause of death, but subsequently his father, James Dickson, charged the prisoner had been third-degreed and died of mistreatment while in custody. The father retained an attorney and demanded an investigation. . . .

After a three-day investigation, the grand jury found that Dickson died of mistreatment while in custody. A postmortem disclosed numerous bodily injuries.

Prisons and Imprisonment. Although imprisonment was, as we have seen, an infrequent mode of punishment in primitive times, it is now the method involving the use of force most commonly employed. In fact, force in the sense of violent coercion or physical hurt may not be used at all in imprisonment. The application of force here is more usually limited to physical detention and restraint of movement, with the requirement of labor and good behavior, on pain of solitary confinement and denial of privileges for disobedience. This shift in punitive emphasis has resulted in part from the fact that all punishments

[1] From the St. Louis *Post-Dispatch*, Jan. 7, 1937.

have become milder and human life is in some sense now generally regarded as sacred. It is also in part the result of the fact that methods have been devised short of enslavement whereby the labor of the condemned can be utilized for the support of himself and dependents in whole or in part. Perhaps even more influential in this connection is the widespread modern emphasis upon the reformation of the offender, which can be accomplished only through some sort of imprisonment or other restraint, if at all. This last mentioned motive, that of reformation, however was not dominant at the time John Howard wrote his famous treatise on prisons, from which the following characterization of the unwholesome conditions prevailing in the prisons of England in the latter part of the eighteenth century is taken.[1]

There are prisons, into which whoever looks will, at first sight of the people confined, be convinced, that there is some great error in the management of them: the sallow meagre countenances declare, without words, that they are very miserable. Many who went in healthy, are in a few months changed to emaciated dejected objects. Some are seen pining under diseases, "*sick, and in prison*"; expiring on the floors, in loathsome cells, of pestilential fevers, and the confluent small pox: victims, I will not say to the cruelty, but I must say to the inattention, of sheriffs, and gentlemen in the commission of the peace.

The cause of this distress is, that many prisons are scantily supplied, and some almost totally unprovided with the necessaries of life.

There are several *bridewells* (to begin with them) in which prisoners have no allowance of *food* at all. In some, the keeper farms what little is allowed them: and where he engages to supply each prisoner with one or two pennyworth of bread a day, I have known this shrunk to half, sometimes less than half the quantity, cut or broken from his own loaf.

It will perhaps be asked, does not their work maintain them? for every one knows that those offenders are committed to *hard labour*. The answer to that question, though true, will hardly be believed. There are very few bridewells in which any work is done, or can be done. The prisoners have neither tools, nor materials of any kind; but spend their time in sloth, profaness and debauchery, to a degree which, in some of those houses that I have seen, is extremely shocking.

Some keepers of these houses, who have represented to the magistrates the wants of their prisoners, and desired for them necessary food, have been silenced with these inconsiderate words, *Let them work or starve*. When those gentlemen know the former is impossible, do they not by that sentence, inevitably doom poor creatures to the latter?

I have asked some keepers, since the late act for preserving the health of prisoners, why no care is taken of their sick: and have been answered, that the magistrates tell them *the act does not extend to bridewells*.

In consequence of this, at the quarter sessions you see prisoners, covered (hardly covered) with rags; almost famished; and sick with diseases, which the discharged spread wherever they go, and with which those who are sent to the county gaols infect these prisons.

The same complaint, *want of food*, is to be found in many *county* gaols. In about

[1] From John Howard, *The State of the Prisons in England and Wales* (Warrington, England, 1780), pp. 5–13, 44–45.

half these, debtors have no bread; although it is granted to the highwaymen, the house-breaker, and the murderer; and medical assistance, which is provided for the latter, is withheld from the former. In many of these gaols, debtors who would work are not permitted to have any tools, lest they should furnish felons with them for escape or other mischief. I have often seen these prisoners eating their water-soup (bread boiled in mere water) and heard them say, "We are locked up and almost starved to death." . . .

As to the relief provided for debtors by the benevolent act, 32d of George II (commonly called the Lords' act, because it originated in their house) I did not find in all England and Wales (except the counties of Middlesex and Surry) *twelve debtors* who had obtained from their creditors the four pence a day, to which they had a right by that act; the means of procuring it being out of their reach. In one of my journeys I found near six hundred prisoners, whose debts were under twenty pounds each: some of them did not owe above three or four pounds: and the expense of sueing for the aliment is in many places equal to those smaller debts; for which some of these prisoners had been confined several months. . . .

Felons have in some gaols two pennyworth of bread a day; in some three half-pennyworth; in some a pennyworth; in some none; . . . and it is not uncommon to see the whole purchase, especially of the smaller sums, eaten at breakfast; which is sometimes the case when they receive their pittance but once in two days; and then on the following day they must fast. This allowance being so far short of the cravings of nature, and in some prisons lessened by farming to the gaoler, many criminals are half starved: such of them as at their commitment were in health, come out almost famished, scarce able to move, and for weeks incapable of any labour.

Many prisons have no *water*. This defect is frequent in bridewells, and town gaols. In the felons courts of some county gaols there is no water: in some places where there is water, prisoners are always locked up within doors, and have no more than the keeper or his servants think fit to bring them; in one place they were limited to three pints a day each — a scanty provision for drink and cleanliness.

And as to *air*, which is no less necessary than either of the two preceding articles, and given us by Providence quite *gratis*, without any care or labour of our own; yet, as if the bounteous goodness of Heaven excited our envy, methods are contrived to rob prisoners of this *genuine cordial of life*, as Dr. Hales very properly calls it: I mean by preventing that circulation and change of the salutiferous fluid, without which animals cannot live and thrive. . . .

Air which has been breathed, is made poisonous to a more intense degree, by the effluvia from the sick, and what else in prisons is offensive. My reader will judge of its malignity, when I assure him, that my clothes were in my *first* journeys so offensive, that in a post-chaise I could not bear the windows drawn up; and was therefore often obliged to travel on horseback. The leaves of my memorandum-book were often so tainted, that I could not use it till spreading it an hour or two before the fire and even my antidote, a vial of vinegar, has, after using it in a few prisons, become intolerably disagreeable. I did not wonder that in those journeys many gaolers made excuses; and did not go with me into the felons wards.

From hence any one may judge of the probability there is against the health and life of prisoners, crowded in close rooms, cells, and subterraneous dungeons, for fourteen or sixteen hours out of the four and twenty. In some of those caverns the floor is very damp: in others there is sometimes an inch or two of water; and the straw, or bedding is laid on such floors, seldom on barrack bedsteads. Where prisoners are not kept in under-ground cells, they are often confined to their rooms,

because there is no court belonging to the prison, which is the case in most city and town gaols: or because the walls round the yard are ruinous, or too low for safety: or because the gaoler has the ground for his own use. Prisoners confined in this manner, are generally unhealthy. Some gaols have no sewers; and in those that have, if they be not properly attended to, they are, even to a visitant, offensive beyond expression: how noxious then to people constantly confined in those prisons!

One cause why the rooms in some prisons are so close, is perhaps the window-tax, which the gaolers have to pay: this tempts them to stop the windows, and stifle their prisoners.

In many gaols, and in most bridewells, there is no allowance of *bedding* or *straw* for prisoners to sleep on; and if by any means they get a little, it is not changed for months together, so that it is almost worn to dust. Some lie upon rags, others upon the bare floors. When I have complained of this to the keepers, their justification has been, "The county allows no straw; the prisoners have none but at my cost."

The evils mentioned hitherto affect the *health* and *life* of prisoners: I have now to complain of what is pernicious to their *morals;* and that is, the confining all sorts of prisoners together: debtors and felons; men and women; the young beginner and the old offender; and with all these, in some counties, such as are guilty of misdemeanors only; who should have been committed to bridewell, to be corrected by diligence and labour; but for want of food, and the means of procuring it in those prisons, are in pity sent to such county gaols as afford these offenders prison-allowance.

Few prisons separate men and women in the day-time. In some counties the gaol is also the bridewell: in others those prisons are contiguous, and the court common. There the petty offender is committed for instruction to the most profligate. In some gaols you see (and who can see it without pain?) boys of twelve or fourteen eagerly listening to the stories told by practised and experienced villains, of their adventures, successes, stratagems, and escapes.

I must here add, that in some few gaols are confined idiots and lunatics. These serve for sport to idle visitants at assizes, and other times of general resort. The insane, where they are not kept separate, disturb and terrify other prisoners. No care is taken of them, although it is probable that by medicines, and proper regimen, some of them might be restored to their senses, and usefulness in life.

I am ready to think, that none who give credit to what is contained in the foregoing pages, will wonder at the havock made by the *gaol fever*. From my own observations in 1773 and 1774, I was fully convinced that many more were destroyed by it, than were put to death by all the public executions in the kingdom. This frequent effect of confinement in prison seems generally understood, and shews how full of emphatical meaning is the curse of a severe creditor, who pronounces his debtor's doom to *rot in gaol*. I believe I have learned the full import of this sentence, from the vast numbers who, to my certain knowledge, some of them before my eyes, have perished in our gaols. . . .

The general prevalence and spread of wickedness in prisons, and abroad by the discharged prisoners, will now be as easily accounted for, as the propagation of disease. It is often said, "A prison pays no debt;" I am sure it may be added, that a prison mends no morals. Sir John Fielding, in his *Plan for Preventing Robberies*, observes, that "a criminal discharged —" generally by the next sessions, after the execution of his "comrades, becomes the captain of a gang of his own raising": — improved, no doubt, in skill by the company he kept in gaol. And petty offenders who are committed to bridewell for a year or two, and spend that time, not in hard labour, but in idleness and wicked company, or are sent for that time to county gaols, generally grow desperate, and come out fitted for the perpetration of any

villainy. I scruple not to affirm, that half the robberies committed in and about London, are planned in the prisons by that dreadful assemblage of criminals and the number of idle people who visit them. How contrary this to the intention of our laws with regard to these offenders; which certainly is to correct and reform them! Instead of which, their confinement doth notoriously promote and increase the very vices it was designed to suppress. Multitudes of young creatures, committed for some trifling offence, are totally ruined there. If it were the wish and aim of magistrates to effect the destruction present and future of young delinquents, they could not devise a more effectual method, than to confine them so long in our prisons, those seats and seminaries (as they have been very properly called) of idleness and every vice. . . .

If our bridewells be not more properly conducted, sending prisoners from them to county gaols will defeat all the care of the most attentive gaolers, and the whole intention of the act for preserving the health of prisoners; and discharged offenders will spread disease and vice wherever they go; and instead of being amended, become an aggravated evil to society.

It is a shocking thing to destroy in prison the morals, the health, and (as is often done) the lives of those whom the law consigns only to *hard labour* and *correction*. One is charged with bastardy: another is abusive in a drunken quarrel: a young creature, who perhaps was never taught a moral lesson, is guilty of some petty theft: send them to bridewell for a year, or two, which they must consume in idleness, hunger, dirt, with companions much improved by such education — if that prison be not secure, send them into still worse company, that of abandoned felons in the county gaol — what is this but devoting them to destruction: Many may date the total loss of every principle of honour and virtue, from their confinement in these schools of wickedness.

A Military Prison. Conditions in prisons in the more civilized countries of the world have greatly improved since the days of John Howard. But this improvement necessarily came about slowly and unequally. In the military prisons it lagged, for obvious reasons, behind that of the civil prisons. A description of conditions in one of our own military prisons will illustrate this fact. The example selected for this purpose is that of the Confederate military prison at Salisbury, North Carolina, during the Civil War. It is described by an incarcerated journalist of the staff of the New York *Tribune* who had been captured at Vicksburg. He spent some six months in this prison and a total of nearly two years in some six military prisons in the South. The hard conditions obtaining in the Salisbury prison were not due wholly, or perhaps even primarily, to the retaliatory attitudes of the Confederate authorities, but largely to scarcity of food and equipment and to the exigencies of war. Such stories as the one here recorded are told about the prisons in all severely fought wars. A brief summary of the account in the journalist's own words follows.[1]

The antique junk-shop — such as it seemed — was filled with odors of the most obnoxious kind, especially at night, from additional agencies that politeness will

[1] Adapted from Junius Henri Browne, *Four Years in Secessia* (Hartford, 1865), pp. 317–323.

not permit me to name. Vermin swarmed everywhere; they tortured us while we tried to sleep on our coarse blankets, and kept us in torment when awake. . . . No light of any kind was furnished us; and there we sat, night after night, in the thick darkness, inhaling the foul vapors and the acrid smoke, longing for the morning, when we could again catch a glimpse of the blue beaming sky. Think of that death-life month after month! Think of men of delicate organization, accustomed to ease and luxury, of fine taste, and a passionate love of the Beautiful, without a word of sympathy or a whisper of hope, wearing their days out amid such scenes! Not a pleasant sound, nor a sweet odor, nor a vision of fairness ever reached them. They were buried as completely as if they lay beneath the ruins of Pompeii or Herculaneum. They breathed mechanically, but were shut out from all that renders existence endurable. Every sense was shocked perpetually, and yet the heart, by a strange inconsistency, kept up its throbs, and preserved the physical being of a hundred and fifty wretched captives, who, no doubt, often prayed to die.

Few persons can have any idea of a long imprisonment. . . . They usually regard it merely as an absence of freedom — as a deprivation of the pleasures and excitements of ordinary life. They do not take into consideration the scant and miserable rations that no one, unless he be half famished, can eat; the necessity of going cold and hungry in the wet and wintry season; the constant torture from vermin, of which no care nor precaution will free you; the total isolation, the supreme dreariness, the dreadful monotony, the perpetual turning inward of the mind upon itself, the self-devouring of the heart, week after week, month after month, year after year. Most strange that captives there do not lose their reason, or die of inanition and despair. . . .

Our poor soldiers had been robbed of their blankets, overcoats, often their shoes and blouses, and were sent there in inclement weather, and turned for some weeks into the open inclosure without shelter. After a while they were given tents capable of accommodating about half their number; and there they began to sicken and die from cold and hunger — the rations being sometimes only a piece of corn bread in forty-eight hours, until the daily mortality ranged from twenty-five to forty-five per day. The soldiers dug holes in the earth and under the different buildings in the yard, constructed mud huts and shelters of baked clay, showing extraordinary energy and industry to shield themselves from wind and storm. But their attire was so scant, and their diet so mean and meager, that they died necessarily by hundreds.

Hospital after hospital — by which I mean buildings with a little straw or other accommodation — was opened, and the poor victims of Rebel barbarity were packed into them like sardines in a box. The hospitals were generally cold, always dirty and without ventilation, being little else than a protection from the weather. The patients — God bless them, how patient they were! — had no change of clothes, and could not obtain water sufficient to wash themselves. Nearly all of them suffering from bowel complaints, and many too weak to move or be moved, one can imagine to what a state they were soon reduced. The air of those slaughter-houses, as the prisoners were wont to call them, was overpowering and pestiferous. It seemed to strike you like a pestilential force on entrance, and the marvel was it did not poison all the sources of life at once.

Imagine nine or ten thousand scantily clad, emaciated, woe-begone soliders . . . in an inclosure of five or six acres, half of them without other shelter than holes they had dug in the earth, or under the small buildings employed as hospitals. The weather is cold; perhaps a chilly rain is falling, or the ground is covered with snow. There are the soldiers — hundreds of them with naked feet, and only light blouses or shirts, hungry, feeble, despairing of the Present and hopeless of the Future —

huddling over a small and smoky fire of green wood, in a crowded tent, whose very atmosphere is poisonous; or standing shivering against the outside of the chimneys of the squalid hospitals, hoping to warm their blood a little from the partially heated bricks; or drawn up in their narrow caves, inhaling the curling emanations of the burning pine, and striving to shelter themselves from the bitter wind; or begging, with pallid and trembling lips, for shelter at the door of those lazar-houses where their companions in arms are lying in dirt, distress, and despair, breathing out their lives at the rate of thirty and forty a day.

A Colonial Prison. One more case, describing conditions existing in a local jail in South Africa, may be presented. This was a civil prison and is interesting for other reasons as well as for the fact that it shows the character of punishment by imprisonment in local penal institutions as it still obtains in many of the more backward portions of the world into which modern ideas of punitive treatment and reform have not yet penetrated. The observations here recorded were made by a group of reformers who utilized their incarceration in the prison for the purpose of reporting methods of treatment employed there. The volume from which this selection is taken had a wide circulation in England, and even in this country, in the years immediately preceding the Boer War, and the picture it gave of Transvaal civilization probably had much to do with predisposing British public opinion in favor of this conflict. Whether it was written for such a purpose, the present writer is unable to say. The sketch which follows appears to be calm and well considered and it describes some elementary devices of modern prison torture that, while still common enough in many parts of the globe, are not particularly well known.[1]

The position of a native in the Pretoria Gaol is indeed an unhappy one. Sleeping accommodation — that is to say, shed accommodation — is provided for about one-quarter of the number confined there. During fine weather it is no hardship upon the natives to sleep in the open yard provided that they have some covering. The blankets doled out to them are however in many cases such as one would not allow to remain in one's kennels; and in wet or cold weather (and the fact is that during at least one quarter of the year the nights are cold, whilst during the five months' wet season rain may fall at any time) the sufferings of these unfortunates many of whom have no blankets at all are very severe. Of course the stronger fight their way into the shed, and even fill the little covered passage-way; the others crouch or lie about in the open yard like wild beasts without a vestige of shelter.

On behalf of the native political prisoners representations were made by the gaol doctor that they were dying in numbers from scurvy and fever, for want of vegetable food. A special effort on his part secured for a few days some allowance of this nature, but the matter having been brought to the notice of General Joubert, the Superintendent-General of natives, peremptory orders were issued to discontinue this; and this although the wretched creatures might have been sufficiently supplied from the gardens attached to the gaol which are cultivated by the pris-

[1] Adapted from J. P. Fitzpatrick, *The Transvaal from Within* (William Heinemann, London, 1899), pp. 265–270.

oners, and the product of which was used by the gaoler to feed his pigs. For a little while longer the doctor continued the vegetable diet at his own expense, but being unable to afford this it was discontinued and the former death-rate was resumed.

Floggings are quite common. In many instances white men have been flogged there. It is not intended to suggest that this should not have been done, but cases occurred in the Pretoria Gaol which are surely difficult to justify. Du Plessis stated to the Reform prisoners that he had with the sanction of the Landdrost inflicted upon one prisoner named Thompson, who was undoubtedly refractory and disobedient, *upwards of eighty lashes within three weeks*. He added that this was as good as a death-sentence, because neither white nor black could stand two inflictions of twenty-five lashes, as they were given in Pretoria Gaol, without permanent injury to the constitution. The effect, he observed, of this severe punishment upon the back was to cause the blood to rush and settle on the lungs, and in every case it resulted in fatal lung mischief.

During the period of imprisonment the Reformers witnessed a considerable number of floggings. These when inflicted by the assistant-gaoler or warders were usually marked by some kind of moderation and consideration for the prisoner's physical condition, and some regard for official decencies. The same cannot be said of those in which Du Plessis himself took a prominent part. Upon one occasion when a native had been released from the triangle, after twenty strokes from the cat had been borne without a murmur, Du Plessis suddenly became infuriated at the stoicism of his victim, and stepping towards him knocked the released man down with his fist and spurned him with his foot. Upon another occasion a boy of ten or twelve years of age (under what circumstances is not known) was taken by Du Plessis into the open yard, stretched in mid air by two warders gripping his wrists and ankles, and flogged with a cane by Du Plessis himself. The screams of the child were heartrending and the sight caused one lady who happened to be visiting in the gaol to faint. When the wretched urchin was released by the two warders and stood cowering before Du Plessis the latter repeated his former performance of knocking his victim down with his closed fist. . . .

The stocks in the hands of Du Plessis were not the mild corrective instrument which they are sometimes considered to be. According to this authority the stocks can be made to inflict various degrees of punishment. Du Plessis states that when he took over the gaol he found that the custom was to place men in the stocks within a cell and to trust to the irksomeness of the position and the solitary confinement to bring about a better frame of mind; but he soon found that this system was capable of improvement. His first act was to place the prisoners white or black in the stocks in the middle of the yard, so that they should be exposed to the observation and remarks of all the officials and visitors and their fellow-prisoners. In explaining the reasons for this change, he said that he found that in a cool cell a man could be tolerably comfortable and that even the most hardened of them preferred not to be seen in the stocks by others; whereas in the yard they were obliged to sit on the uneven gravel and to endure the heat of the sun as well as being 'the cynosure of every eye.' But this did not satisfy the ingenious Du Plessis. The yard of the Pretoria gaol inclines from south to north about one foot in four, and Du Plessis' observant eye detected that the prisoners invariably sat facing down the slope — for of course they were not allowed to lie down while in the stocks, this being too comfortable a position. Upon studying the question he found that in this way much more ease was experienced owing to the more obtuse angle thus formed by the body and the legs. This did not suit him and he issued further orders that in future all prisoners in the stocks should be obliged to sit facing uphill, and that they should

not be allowed to hold on to the stocks in order to maintain themselves upright in this position, but should have to preserve the upright posture of the body by means of the exertion of the muscles of the back alone. Needless to say the maintenance of such a position for hours at a time caused an agony of aches which many prisoners were quite unable to endure, and frequently the men were seen to throw themselves back and lie down at the risk of being kicked up by the vigilant Du Plessis and confined in the stocks for a longer period than was originally intended. Nor did this complete the list of Mr. Du Plessis' ingenuities. The stocks had been built to accommodate several persons at the same time, and he found that by inserting the legs in the alternate holes, instead of in the pair as designed by the architect of the stocks, the increased spread of the legs caused still greater strain upon his victim. This was reserved for special cases — say one in every four or five.

Private Prisons. Private imprisonment and punishment, which was common enough in the days of slavery and serfdom and was formerly applied not infrequently even to freemen in societies with insecure central authority or in states ruled by oligarchies, has now passed away in the more civilized countries. The increase of popular power has contributed to this mitigation of injustice. However, the practice still persists in the less civilized countries and even in a few of the more rural of the commonwealths of the United States. In this country it takes the form usually of the lease system. The state lease system has been abolished in almost all of our states, owing to exposures of the inhumane treatment accorded leased prisoners in the private prison camps of these states. The practice of leasing county prisoners still persists in some states, however, perhaps largely because these states lack adequate local prisons and it is difficult to secure effective publicity of the practices in these prisons. The following narrative by a boy of seventeen of the experiences he claims himself and his brother to have undergone in one of these private prisons — in this case on a large plantation to which the boys had been leased for farm work — will give some idea of the character and practices of such private prisons.[1]

"Right away we were taken out to the farm and locked up in the commissary, a store building down near the road," he said. "The book-keeper was alone in the place so he chained me to the wall, locking one end of the chain around my ankle, and he took Floyd's crutches away from him. Floyd is crippled and can't walk without his crutches. I guess the book-keeper thought we might try to break out.

"Along about sundown some guards came in a truck and took us out to the stockade, a mile or so off. When we got there the gangs were just coming in from the fields. They had been burning brush and were all dirty, but there wasn't any water to wash in.

"Supper that night was half a cup of rice and two pieces of corn bread. That was all we ever had for supper while I was there. Breakfast was always five biscuits and some syrup, and dinner was always half a cup of butter beans and two pieces of corn bread."

[1] From the St. Louis *Post-Dispatch*, Oct. 13, 1938.

He described the prison building as divided by a passageway, with one side for the white prisoners, of whom there were six, and the other for about 70 Negroes. The upstairs, he said, was used by the five Negro women prisoners and 15 Negro men who were regarded as trusties. In the downstairs section each white man had a separate cot, but the Negroes had to sleep three or four to a bed.

"Every day except Sunday we got up about 3:30 or 4 in the morning and were out in the fields by 4:30," he continued in his slow drawl. "We stayed there until night, doing whatever they had for us to do, with no rest except half an hour for dinner, which we ate wherever we happened to be at noon. There never was enough water and everybody was thirsty all the time.

"They said you couldn't be there more than two weeks without getting a whipping. I guess that was right, because I got mine about then. C____, the whipping boss, made me lie down on the ground and hit me 10 licks on the back. Said I hadn't been working like I should. It looked like he just wanted to test you or warn you or something.

"Every day C____ made somebody flop down in the field and he'd beat on them, usually about 25 licks. The ones that got it the worst were those who tried to run away and got caught. C____ or one of the guards would make them strip, whip till he got tired, and then rest so he could whip them some more.

"My brother was the night watchman and the doctor because he couldn't do the regular work. He'd doctor the ones who got whipped. A Negro who got an awful whipping for trying to run off was laid up for a week.

"Whenever you'd miss a day because you were sick, you'd have just that much more time to serve. There wasn't ever any work on Sundays, though, and that time counted on your sentence.

"On Sunday afternoon we were let out into the yard between the prison and the fence, a high one with three charged wires running around the top of it. They would bring tobacco and clothes from the commissary and we could buy them. The price of tobacco was fair, but clothes cost twice what they did outside. Whatever your commissary bill was at the end of your regular time you could either pay in cash or work out at 50 cents a day.

Improvement in Modes of Punishment. The last two illustrations of punishment by imprisonment cited above are more or less extreme on the less favorable side of prison life. Few cases so wholly disregardful of humane and reformatory features could be found in modern civilized countries, however common they may be among more backward peoples. But we do not have to go back many decades in the history of the most civilized peoples to find even worse conditions. The last few decades have shown remarkable improvement in punitive technique and prison reform. Descriptions of modern reformatory systems must be left to the initiative of the instructor and the students, who may easily discover abundance of materials ready at hand for further reports and cases.

A few brief selections, however, will afford us some notion of the manner in which modern imprisonment has been divested of its harshest features and made to take on the semi-reformative character which it has today. This change in the method of punishment was the work

of a number of devoted penal and prison reformers, among whom the names of Beccaria, Howard, Bentham, Romilly, E. C. and F. H. Wines, Brockway, and Osborne stand out prominently.

Reform of the Transportation Evil. One of the most important contributions of prison reformers was the abolition of the transportation system in England, which had grown up in connection with the English colonial system. France and some other countries have been much slower in getting rid of this evil. Only in 1936 was a law passed in France to stop transportation of prisoners to the notorious Devil's Island prison off the coast of French Guiana. Phillipson's account of Romilly's efforts against the transportation system follows.[1]

He [Romilly] drew attention to the serious evils inherent in the prevailing system of transportation. He pointed out that this form of punishment was unknown before the restoration of Charles II; for the first statute on the subject was 18 Car. II. c. 3. Exile had, indeed, existed from the time of Elizabeth, but both forms were unknown to the common law. Later statutes allowed judges, in their discretion, to transport persons convicted of offences within the benefit of clergy to the North American settlements. There they were bound by indentures for a period of seven years, and for the last three years they received wages, which provided a fund to enable them, on their return, to recommence life. There was one great evil arising out of inequality of treatment: whilst the richer convicts were able to buy off their terms of service and so convert their punishment into one of mere exile, the poorer convicts suffered hard labour as well as exile. Thus the cleverer rogues, who managed to retain what they wrongfully acquired, were placed in a better position than those who had surrendered their plunder.

After the American War the practice of confining convicts in hulks was introduced. Romilly condemned this mode of punishment. There was no responsible person to determine what prisoners should be subjected to it. Offenders of all classes and ages were thrown together; and instead of being reformed there, they became much more depraved, and therefore when discharged were more dangerous to society than they were before. Even children and youths were sent to these floating prisons, where, obviously, they could learn nothing but every kind of vice and villainy. An act was also passed providing for transportation to any other part beyond the seas.

The acts relating to the erection of penitentiary houses were for a long time allowed to remain a dead letter on the statute-book. In the meantime the Government conceived the plan of sending out convicts to establish a colony in New South Wales. "It was, perhaps, the boldest and most unpromising project ever held out to any Administration. The colony was to consist entirely of the outcasts of society and the refuse of mankind, of persons who had not even been left to their own natural profligacy, but who had acquired a matured virility in vice by their education on board the hulks. . . . Instead of selecting persons who were acquainted with agriculture and the employments of a country life, the directors of the undertaking chose only those who had been convicted in London and Middlesex, and who, as inhabitants of a large city, might be easily conceived to be the most unfit persons for a new colony." Now a penalty of this kind, observes Romilly, is

[1] From Coleman Phillipson, *Three Criminal Law Reformers* (E. P. Dutton & Co., New York, 1923), pp. 315–316.

inefficacious, as it is destitute of some of the indispensable qualities of punishment. "The severity or lenity of the punishment depends not on the degree of guilt of the offender, but of his talents and acquirements and qualifications for the new state of things into which he is transported. . . . It is indeed a subject of very melancholy, and to this House of very reproachful, reflection, that such an experiment in criminal jurisprudence and colonial policy as that of transportation to New South Wales should have been tried; and that we should have suffered now four-and-twenty years to elapse without examining or even inquiring into its success or failure." Moreover, no provision was made for the return of transported convicts after the expiration of their term of punishment. "Left to go back to their native country as they can, their only resource is to work their passage home as sailors; but this is a resource only for the strong and healthy. To the sickly, the aged, and infirm, the sentence, which by law is limited to a certain number of years, becomes in fact a sentence for life. With women it necessarily becomes such a sentence in every case." Further, transportation was often inflicted at quarter sessions, even for petty larcenies not attended with circumstances of aggravation; and sometimes also on boys of tender age. Again, many were transported who had only a short period of term of imprisonment unexpired; and many — according to the avowal of the judges themselves — were sentenced to a longer term than their crimes deserved in order to secure their being transported, as prisoners sentenced only to seven years' transportation were usually kept for that period on the hulks.

Prison Reform Proper. The greatest contribution to the improvement of methods of social control through punishment has been made in connection with prison reform proper, the treatment of first and juvenile offenders, the indeterminate sentence, probation and parole, and prison labor and prison discipline. We cannot enter into all of these reforms in this place, but something may be said about prison reform. In the study of prison reform as such the work of Z. R. Brockway at the Elmira Reformatory and the growth of penal farm colonies and of industrial institutions which aim at rehabilitation should receive attention. We present here a brief paragraph from Phillipson on the prison reform work of Romilly, who urged drastic reforms with reference to imprisonment in the common jails. He contended that [1]

Prisoners ought to be carefully separated according to age, sex, character, nature of crimes committed. Owing to the practice of indiscriminately confounding them together those imprisoned for the first offence become hardened, desperate, and matured in villainy. Suspects, who may indeed prove to be perfectly innocent, are mingled with offenders of the greatest malignity. Besides, the structural and sanitary conditions of prisons should be ameliorated, and the entire system or management, organization, and supervision thoroughly regularised. Solitary imprisonment is to be condemned, unless it is, in proper cases, combined with useful labour. To immure a human being within a solitary cell is frequently a form of punishment worse than death. "It has been justly observed (Romilly is thinking of Bentham's doctrine) that the best punishments are those which inflict the least suffering upon the convict, but inspire the most terror in others. The punishment of solitary imprisonment reverses this rule. . . . In many instances it is said to have

[1] From Coleman Phillipson, *Three Criminal Law Reformers* (E. P. Dutton & Co., New York, 1923), pp. 316–317.

produced despair and madness. It is a punishment too easily abused to be safely left to the discretion of justices of the peace." Romilly vigorously protested also against the penalty of solitary confinement, for unlimited periods, allowed by private acts of parliament in workhouses for such offences as using abusive or improper language, or other misbehaviour.

The Trend of Punishment. Such has been the general course of punishment throughout the period of its historical development so far as we are able to ascertain: it has moved generally from great physical severity in the direction of increasing mildness, and from vindictiveness toward the reconstruction of character. If space were available it would be equally interesting and profitable to trace the evolution of punishment as a social control and of the control of punishment in various institutionalized human relationships. The history of punishment in the family, for example, would provide the educator, the sociologist, and the ethicist with valuable materials bearing upon their several subjects.

In summary, it may be pointed out that the theory and practice of punishment has developed more or less steadily from an emphasis upon expiation and revenge in the direction of reform and prevention. The highest recognized ideal in the theory of punishment is now to make use of punitive measures only for reformative purposes; but this is not yet possible in practice, since our poorly controlled society now produces people so defective congenitally and so perverted socially and personally that they cannot be reformed in the present social order. For these the old repressive punishments must still be used, but they need not be applied in a spirit of revenge. Progress has also been made in the theory and practice and control of punishment in the family, the church, the school, industry, and in other aspects of life. But there is still much to be done in the improvement of both the techniques and the objectives of social control through punishment. Among other things, is the problem of rendering surviving punishment constructive and reformatory while in general the trend is in the direction of its abolition in many of its previous forms and applications through force.

STUDENT EXERCISES

1. Using Raymond Saleilles' *The Individualization of Punishment*, F. H. Wines' *Punishment and Reformation*, or R. M. McConnell's *Criminal Responsibility and Social Constraint*, produce a more extended report on the evolution of motives in punishment than has been presented in this chapter.

2. Go through the Code of Hammurabi and count the number of instances of each of the types of motives for punishment discovered therein. What do you find?

3. Present in a report typical instances of as many kinds of punishments as you can discover in this code. How many forms of punishment do you find?

4. How does the number of punishments by force prescribed in the Code of Hammurabi compare with the number of other kinds of punishment?

5. Make a list of all of the types of punishment not employing force that you can think of.

6. The instructor should either have the class read or have some student report on Wines' account of the use of torture in his *Punishment and Reformation* (1895), Chapter V.

7. Some members of the class who are also students of anthropology may wish to prepare reports on methods of punishment used among various primitive peoples.

8. An abundance of pertinent material on punitive methods used in various prison systems of the world may be found in any good college library, also in Wines' *Punishment and Reformation*, and in the Annual *Reports* of the American Prison Association. Selected reports should be made to the class on this material.

9. Using John L. Gillin's *Taming the Criminal*, prepare reports on what is being done at the present time for the improvement of the effectiveness of punishment in various countries.

10. Why was the death penalty applied to so many offenses in the sixteenth, seventeenth, and eighteenth centuries? See John Laurence, *A History of Capital Punishment.*

11. Discuss the good and bad features of the death penalty as a form of punishment.

12. Will it ever be possible or desirable to dispense with punishment as a form of social control?

13. If punishment is retained, will it ever be possible to dispense with the use of force in punishment?

14. Why has not punishment in the home come as fully under the control of the state as has punishment of offenses growing out of civil relations?

15. Would it be desirable to transfer the power of punishment from parents to some regularly constituted agency of the state?

16. What, in some detail, has been the trend in the development of punishment in the school?

17. In industrial relations?

18. In the church, or in ecclesiastical relations?

19. In early times men were often allowed to punish their wives for such offenses as laziness, inattention to duties, and sex offenses. Would you advise the restoration of this right?

20. What do you think of lynching and other forms of mob action as quasi-methods of punishment?

21. Have students report on other examples of political punishments for political crimes, and on movements to do away with such punitive measures. The larger modern historical treatises and special historical monographs may be used as sources.

22. Do the same for ecclesiastical punishments.

23. Reports may be made on the punitive devices used in the European countries ruled by dictators in recent years in order to restrain popular democratic movements. Current periodicals may be used as sources.

24. An excellent example of the survival of savage methods of torture among backward modern peoples is described anonymously (but true to fact) by Thomas Rourke in "Memoranda for a Dictator," *Ken*, I: 93–94 (May 5, 1938), showing that savagery in punishment is not yet as extinct as life in a modern community like the United States might seem to indicate.

25. Much worthwhile material for reports and discussion on the history of torture can be found in *The History of Torture in England*, by L. A. Parry (Samson Low, Marston and Co., London, 1933).

26. Some student may be asked to read and report on the whole of the article "To Hell and Back" in *Liberty*, Feb. 29, 1936, pp. 21–24. This article illustrates the employment of force and the fear motive in war as well as the inconveniences and brutalities of prison life.

27. Have the students compare army prison methods in the American Civil War and in the Great War.

28. The students may be assigned reports to illustrate the improvement in prison conditions to be observed in our time and also they may be asked to account for these improvements.

29. Prison visits, reports, and reading assignments may be used to illustrate different methods of treating prisoners and different conditions in different types of prisons at the present time. Students should be asked to account for these differences.

Chapter VII

SOCIAL CONTROL BY MEANS OF REPRISALS

The Nature of Reprisals. A tenth form of the application of force to the problem of social control is reprisal against those who are in opposition to the controllers. Such reprisal frequently involves loss of life and the destruction of property of one or both of the parties concerned. Reprisal and destruction may take the form of punishment, but it is not our intention to treat cases of punishment as such in this chapter. We are concerned here rather with that class of cases which are properly speaking not so much punitive as they are either (1) acts of vengeance pure and simple, or (2) acts of protection against some avowed or secret enemy. In the latter case the act of reprisal may be performed after a violent deed has been committed by the enemy, or it may be undertaken as a defensive measure in reply to a signified or implied intention to commit violence on the part of the enemy. Strictly speaking, perhaps, an act of reprisal could occur only in answer to an enemy act already perpetrated; but in practice it is sometimes made use of in order to forestall such an act. While punitive acts may properly fall under the general category of reprisals undertaken with the motive of revenge or of repression, the narrower category of reprisal to which we are limited here embraces only informal and more or less accidental or opportunistic applications of force to the problem of controlling enemy action. We are purposely leaving out of account such formal and deliberate acts of punishment as were treated in the preceding chapter.

Neither shall we undertake in this chapter to treat that class of collective applications of force which we have characterized under the general heading of pacification. Pacification implies the more or less permanent reduction of a fairly large territorial group to subordination and submission to a governmental body, possibly to a conquering state. It is a deliberate act undertaken for political reasons and is usually, if not always, carried out by means of an army. Reprisals, on the other hand, may be undertaken by individuals, by small and unofficial groups, or by nations. The objective is much more incidental and temporary and even partial than that of pacification. In fact, it is more closely related to intimidation than to pacification. Even when undertaken by a nation or a state the aim is usually much less complete and final than permanent subjection and submission on the part of the

enemy. As is the case in some of the instances cited in this chapter, and especially in the famous reprisals of the Nazis against the Jews in November, 1938, the professed purpose may be simply to "teach a lesson" and prevent the repetition of some outrage or act of violence. When practiced by small groups or by individuals, the motive to the act may be primarily an emotional one, as in the case of mob action described in the present chapter; or it may be a calculated act designed for the protection of some interest, as seems to be the case in the first instances recorded below. Acts of reprisal therefore have a wide range of application, since they may be employed by individuals, by small and unofficial groups, or by large permanent groups and societies. Their range in motivation is also broad.

Legal Aspects of Reprisals. A further characteristic of the reprisal is that it is usually extralegal, or even illegal. If it were inside the law it would ordinarily belong properly under the category of punishment. Likewise it is frequently undertaken in response to illegal acts, but this need not necessarily be the case. Both of these characteristics are well illustrated by the act of lynching some offender who has violated the deeply rooted mores. It is, as a consequence, usually an emergency response to a difficult adjustment problem. Delay may possibly result in a considerable loss or further danger to the one injured. As a consequence, the blow is struck quickly and with violence in order to prevent further aggression. Or it may be that for some reason the law does not allow an adequate or immediate remedy by due process, so that it is felt that the only recourse available for the protection of the person or group is to his or their own prowess or inventiveness, even if the act of reprisal itself be illegal. If there were abundance of time or complete adequacy of remedy through legal channels the matter might be settled with greater ease and justice through ordinary channels of discussion, negotiation, and arbitration; and it is through such channels that most conflicts of interest are now adjusted. But in earlier times, when courts were lacking or were largely without power and prestige, or were even more defective in justice than they now are, recourse was frequently had to acts of reprisal. The blood feud explained in a later chapter is an organized form of communal reprisal based on the kinship sanction. In any field of activity to which law has not been extended in full force and justice and where matters of dispute must still be settled largely by private negotiation or by violence, acts of reprisal are likely still to persist. Such is now the case especially in the field of labor disputes and in that of international controversy.

Reprisals against Property and Life. Acts of reprisal need not involve destruction of property, although they frequently do so. To destroy the property of another is a fairly easy and also a relatively mild,

although at the same time an effective, method of impressing upon the enemy the conviction that he cannot carry out his own policies without paying a penalty therefor. The destruction of property is less revolting to the public at large and frequently less maddening to the persons against whom the reprisal is directed than the taking of life. It is therefore less likely to arouse an implacable spirit of revenge which may perpetuate the retaliative interchange of violence indefinitely. It also calls for milder penalties of the law, when and if detection is involved and if legal penalties apply. It is thus usually safer to destroy property than to take life by way of reprisal, and the results obtained are usually adequate to the purpose involved. Where life is taken the fact frequently, but not always, indicates that the act of reprisal has gone beyond the protective stage into the motivation of strong anger or rage and revenge. Another deterrent factor which probably frequently stops short of destruction of human life as a form of reprisal is the almost universal reluctance of all but the most hardened criminals and mentally and morally most abnormal people to commit this form of violence. So strong are the ordinary human inhibitions against murder that it is usually undertaken as an individual act only under great emotional stress or as the last resort in protecting the person or property or the sufferer. In this chapter cases will be presented to illustrate, first, the distinction between reprisals without the use of force and with force and, second, different types of outstanding situations in which reprisals are likely to be employed.

Reprisal without Violence. Of course not all reprisals involve the use of force or violence, although we commonly associate reprisals with violence because it is so frequently employed in the most striking cases. The first case here cited does not involve violence, but it does imply the exclusion of a group from the enjoyment of a customary public convenience, apparently because of a conflict of interests. The Associated Press report is dated Washington, D. C., and runs in part as follows.[1]

> Silas Strawn, trustee and past president of the United States Chamber of Commerce, is blamed by officials of the Town Hall of Washington, a fashionably-sponsored forum group, for an order by the Chamber closing its auditorium to further meetings of the group.
>
> Huston Thompson, Washington attorney and president of the Town Hall board of trustees, said Strawn had objected to using the Chamber's hall for a series of winter programs because it included such speakers as Norman Thomas, Lewis Corey and Maurice Hindus. Thompson quoted Strawn as saying the Forum programs featured a "cross-section of crazy crack-brains."

This is, of course, a very mild form of reprisal, but it is perhaps correspondingly of more frequent occurrence because of its mildness.

[1] Adapted from the St. Louis *Post-Dispatch*, Dec. 5, 1934.

Threat of Force in Reprisal. Proposals for a more rigorous set of reprisals against radical groups and foreign trade competition are involved in the report of the Fish Committee as reported below. Here the attempt is made to use the police powers of the United States and of the several state governments to execute the reprisals which are advocated by some of the conservative interests of the country against a group of radicals who would dispossess the conservatives of a part or the whole of their economic privileges and advantages. A careful reading of the recommendations will disclose the fact that a further motive for the advocacy of reprisals by the conservatives was the economic competition of foreign lumber and minerals imported into the United States. In fact, it may well be that the primary, but not the sole, objective was to destroy Russian competition in domestic markets and that it was believed by the members of the Fish Committee that the best way to secure the prohibition of Russian importations was to appeal to the popular fear of communism. Another indication of subtle propaganda in the report is the implication that runs on banks are caused by rumors set afloat by Communists. The report of the recommendations of the Fish Committee which follows is taken from the daily press.[1]

Fourteen recommendations for dealing with Communism, including the outlawing of that party in the United States, were laid before the House by the Fish Committee when Chairman Fish filed the report after eight months' study of Communist activities. . . . The committee's recommendations follow:

"That the Communist party of the United States of America, section of the Communist International, be declared illegal . . . and that the executive authority of each state and the Legislature thereof be informed of the revolutionary principles and objectives of the Communist party and be requested to take appropriate action to have such party excluded from or denied recognition as a political entity.

"Enlarge the authority of the Department of Justice for the purpose of investigating . . . the revolutionary propaganda and activities of the Communists in the United States.

"Strengthen immigration laws to prevent the admission of Communists . . . and providing for immediate deportation of all alien Communists.

"Provide for additional appropriations to the Bureau of Immigration for vigorous handling of deportation cases.

"Amend the naturalization laws so as to cancel the United States citizenship of a Communist.

"Deny re-entry to the United States to an alien who has visited Russia to secure training in communistic doctrines.

"Amend postoffice laws to declare non-mailable all newspapers, magazines, pamphlets, circulars, etc., published, written or produced advocating revolutionary communism.

"Amend interstate commerce laws to prohibit transportation of newspapers, magazines, pamphlets and circulars advocating revolutionary Communism.

[1] From the St. Louis *Post-Dispatch*, January 17, 1931.

"Enact Federal law to prosecute Communists or other persons, organizations, newspapers, etc., spreading false rumors for the purpose of causing runs on banks.

"Restrict or eliminate the use of secret codes of ciphers with any Government with which the United States has no diplomatic relations and its trade agencies.

"In view of the fact that the Soviet Government is under the control and direction of the Communists, that the Treasury Department request, through the State Department, permission to send inspectors or agents to investigate the prison camps and the pulpwood and timber cutting district of Soviet Russia and report regarding the alleged production of lumber and pulpwood by convict labor.

"That the Treasury Department should request through the State Department permission to send inspectors or agents to investigate the use of forced or indentured labor in Soviet Russia.

"That immediate consideration be given by the Congress to the placing of an embargo on the importation of manganese from Soviet Russia."

The Use of Force in Reprisal. The two cases of reprisals presented above do not indicate either violence or the destruction of property, although the use of force is freely provided for upon occasion in the second case. The reprisals indicated in the third case cited are even more severe. In this case the reprisals were taken by the established Church of England in its warfare on the heresies. It used the arm of the law in order to fix the penalties and to execute its acts of revenge for defiance and to secure the intimidation and extirpation of the nonconformists. While the form of the reprisal here is legal and the violence and destruction of property are technically within the limits of lawful punishment, the intent is clearly that of reprisal. Cases of illegal reprisals in similar situations may be found in almost any country of Europe between the sixteenth and eighteenth centuries. The case referred to follows.[1]

Early in the month of June, a proclamation, short but sharp, came out by royal authority, commanding that whosoever possessed heretical books, whereof, of course, the Bible was chief, should immediately burn them, without showing or reading them to any other person; or failing to do so, should, on discovery, be taken up, and without delay be executed as a rebel and traitor, according to martial law.

It was not long before an opportunity was given to manifest the fresh ardour of persecution, which these sanguinary edicts never failed to enkindle in the willing instruments of papal cruelty. Within a few days from the promulgation of the foregoing a party of forty innocent and godly persons having ventured to assemble in a back close or thicket, situate in the field by Islington, seated themselves on the ground, for mutual exhortation, prayer, and study of God's word. While they were thus employed, a stranger came up, who looking at them, stopped, saluted them, and observed they looked like men who meant no hurt. One of the company asked him whether he could tell whose close it was; and if they might be so bold as to sit there. He answered, "Yea, for ye seem unto me such persons as intend no harm." He then departed; and the poor flock continued their employment. In less than a quarter of an hour afterwards, the constable of Islington, named King, accompanied

[1] From Charlotte Elizabeth (Ed.), *The English Martyrology*, II : 299–300.

by six or seven armed men, approached. He left his attendants in a covert hard by, and proceeding along, walked through the party, observing what they were doing, and what books they had. When he had thus passed along, he returned in the same way, calling on them to deliver their books. They knew him to be the constable, and therefore, with the obedience ever shown by the Lord's people to legal authority, they gave up the books; on which the concealed band came forth, ordering them to stand, and not to depart. They replied, they were ready to obey, and to go wheresoever they were commanded; and so were taken first to a brew-house near the spot, while some of the soldiers ran for a neighbouring justice. He was from home; and then they took their prisoners to Sir Roger Cholmley. The women escaped by the way: so, indeed, nearly the whole party might have done, had they chosen it: but twenty-two men remained in custody, and were by this Cholmley committed to Newgate. Two died in prison: seven escaped with their lives, without renouncing the faith: probably through the changes that soon followed: and thirteen were burnt, in two companies, one at Smithfield, and the other at Brentford.

A New England Case. The following case involves reprisals against abolitionist leaders who sought to educate the Negroes in New England. As in the preceding case the fundamental issue at stake is the right of certain groups to be educated or to acquire knowledge that might be prejudicial to vested interests. In the former case the vested interest was the power and perquisites of an ecclesiastical hierarchy. In this instance it is that of private property in slaves and those financial interests promoted by slavery. Destruction of property is involved in this as well as in the former case, but there is less direct appeal to the government as an agent of the reprisals, although public officials are involved in the attack. Resolutions figure more largely than force, although the former constitute propaganda which might confidently be expected to lead to violence if intimidation should fail of its object.[1]

Interference with freedom of Abolitionist teachers was shown in several localities in the North. For instance, the plan for a Negro college in New Haven, Connecticut, was abandoned after a public meeting on September 10, 1831, with Mayor Dennis Kinberley in the chair. They listened to indignant speeches by distinguished citizens, and resolved 70 to 4 that: "The founding of colleges for the educating of colored people is an unwarrantable and dangerous interference with the internal concerns of other states . . . that the establishment of such a college in New Haven will be incompatible with the prosperity, if not the existence, of the present institutions of learning . . . and that the Mayor, Aldermen, and Common Council will resist the establishment . . . by every lawful means." The lawful means were not specified.

At Canaan, New Hampshire, a month was given to the preceptor and colored pupils of Noyes Academy in which to quit the town, on condition of forcible expulsion and under threats of death if resistance were made. Before the ultimatum expired, a legal town-meeting appointed a superintending Committee to remove the Academy, which was done by about 300 citizens of that and neighboring towns with nearly a hundred yoke of oxen. They simply hauled the building away. They

[1] Adapted from Leon Whipple, *The Story of Civil Liberty in the United States* (The Vanguard Press, New York, 1927), pp. 118–120.

then adopted an interesting resolution reading in part: "The Abolitionists must be checked and restrained within constitutional limits, or American liberty will find a speedy grave."

Prudence Crandall, a young Quaker woman, had received fifteen or twenty colored girls in her school at Canterbury, Connecticut, in 1832, in spite of threatening resolutions adopted at a public meeting in a Congregational Church. "The store-keepers refused to sell her anything. . . . She and her pupils were insulted on the streets. The doors of her home were besmeared and her well filled with the most odious filth. The pupils were excluded from the privileges of public worship by the officers of the Congregational Church. An attempt was made to drive them away by the revival of an obsolete vagrant law, which provided that after warning by the selectmen, any person, not an inhabitant of the State, who did not depart from the town, should pay a dollar and sixty-seven cents a week, and on failure to pay this license, or leave in ten days, should be whipped on the naked back, not exceeding ten stripes. A warrant . . . was actually served on Eliza Ann Hammond, but not prosecuted. . . ." [1]

An influential citizen, Andrew T. Judson, later a judge of the United States district court, found the "school for nigger girls so near him insupportable." So he with others secured this proscriptive law from the Legislature, May 24, 1833: "Section I. . . . That no person shall set up or establish in this State any school, academy, or literary institution for the instruction or education of colored persons who are not inhabitants of this State; nor instruct or teach in any school . . . nor harbor or board, for the purpose of being taught . . . any colored person who is not an inhabitant of the State, without the consent in writing, first obtained, of a majority of the civil authority, and also of the selectmen of the town. . . ."

Miss Crandall was arraigned, bound over for trial, and thrust . . . into a cell just vacated by a murderer. The legal contest was ended by a technical error so no decision on the merits was ever secured. The school was finally broken up by violence. Miss Crandall's house was set on fire in the night, but was saved because some rotten wood would not burn. Later the house was attacked at midnight by a mob armed with heavy clubs and iron bars. For these outrages there was no redress. Miss Crandall finally left the town.

Reprisals against the Servants of the Devil. We may now turn to a curious type of retaliation, that against persons in the service of the Devil. The fear of the Devil and of his agents is of long standing and the powers of this personage and of his agents to work evil were long considered to be very great. Hence the necessity of taking strong reprisals against such redoubtable foes. The reprisals recorded in the following passage as having been executed in Germany might also be duplicated for any other European country during the same centuries. Only less violent reprisals were common in our own New England, where the witchcraft persecutions cover one of the darkest pages of our history. That here again the law and the civil authorities were invoked to carry out these reprisals motivated by the superstitious fears of the people does not change the essential character of the procedures. They were essentially lawless and emotional rather than

[1] Samuel J. May, *Recollections.*

deliberately conceived in the rational spirit of justice. The account is adapted from the periodical literature of the nineteenth century.[1]

In 1484 a famous bull was issued by Pope Innocent, enjoining, in the strongest terms, upon inquisitors, and other faithful subjects, to ferret out and to punish all such as were guilty of the sin of witchcraft. The commission was put into the hands of one Sprenger; a man, who, it would seem, wanted neither the blood-thirsty spirit nor the superstitious zeal necessary to carry out the plans of His Holiness. Then came speedily a regular form of trial for suspected witches — a form that afterwards went by the name of the *malleus maleficarum* — the hammer for witches. All the judges, in their trials of suspected persons, were required to use this hammer. Furious blows were dealt by it. There never was a hammer in a smith's forge that could make more terrible havoc. And Sprenger was a very Vulcan in the use of it. Moreover, the metal they had to work upon was not always very soft. They had to strike it pretty hard, sometimes, to make it malleable.

But the edict of Innocent was strengthened by subsequent bulls. Alexander VI., Leo X., and Adrian VI. — the latter about the year 1522 — each contributed something by way of adding to the weight and efficiency of the *malleus maleficarum*. The public mind was in a fever of excitement about witchcraft at the end of the fifteenth century. . . .

On the Continent, vast numbers were executed for this imaginary crime. In a single year — that of 1485 — one inquisitor, in the county of Burlia, burned forty-one. In Piedmont, another inquisitor burned one hundred in a year. In 1524, upwards of a thousand were burned in the diocese of Como, and for several years after that, there were at least a hundred victims.

In Germany, the fever raged frightfully. For a century and a half after the publication of Innocent's bull, no part of the country was free from the devastating influence of the crusade against witchcraft. In a period of little more than two years, from about 1627 to 1629, one hundred and fifty-seven persons were executed at Wurtzburg. In this list are fourteen vicars of the cathedral. In Lindheim, a district containing at most, at that time, only six hundred inhabitants, one twentieth of the population were put to death in four years. "How dreadful are the results," — we quote from an excellent article in the *Foreign Quarterly Review*, — "to which these data lead! If we take one hundred and fifty-seven as the fair average of the executions at Wurtzburg, the number of the executions there, in the course of the century preceding 1628, would be *fifteen thousand and seven hundred!* If Bamberg, Paderborn, Treves, and the other Catholic bishoprics, whose zeal was not less ardent, furnished an equal number, and if they vied," as history warrants us in believing they did, "with the Catholics, in the extent to which these cruelties were carried, the number of victims, from the date of Innocent's bull," in 1484, "to the final extinction of these persecutions, must have considerably exceeded *one hundred thousand, in Germany alone!*"

A Recent Case of Reprisal — Political. A much more human enemy, the political opponents of the Nazis of contemporary Germany, have also been the object of reprisals. The purpose here seems to have been the terrorization and intimidation, and sometimes the elimination, of the opposition. In the preceding case the infliction of death was freely

[1] Adapted from Rev. Francis C. Woodworth, "Modern Witchcraft in Europe," *The Christian Parlor Magazine*, 1847, pp. 214–216.

resorted to as the method of reprisal, because the danger was conceived to be so great and so immediate. Only the severest repressive or extirpative methods would save the populace. Panic and personal and social disorganization were the order of the day. In the present case the slaughter and other acts of violence, if less rigorous, are much more premeditated and more definitely planned. Violent reprisals here are a part of a definite plan to destroy opposition and to establish a faction firmly in power. The methods used are described as follows.[1]

According to reliable reports, the Nazi terror continues unabated, though with increased secrecy. A special correspondent of the *Manchester Guardian* describes the beating administered to a musician who belonged to no trade union or political party but was arrested for distributing leaflets attacking the dictatorship. When the man was finally released after failing in an attempt to commit suicide, he reported that he had shared a cell with a Communist and a correspondent of a well-known Conservative German paper. In the cell opposite was an official of the Government Statistical Bureau, and he also made the acquaintance of a sixteen-year-old Jewish boy who was subjected to repeated tortures. The *New Statesman and Nation* translated a report by a prisoner in the Sonnenburg Concentration Camp, describing the life that some sixty thousand political prisoners now lead in Germany. Torture is a regular part of the daily routine, and many of the special punishments are too loathsome to be described. At times, the men were drilled so hard that as many as seventy per cent collapsed from exhaustion, and the brutalities of some of the Storm-Troop leaders have aroused disgust even among their own men. In the November elections prisoners were told that if the results were good they would be discharged, but that if they registered disapproval of the Government, they would be subjected to terrible beatings. Of the eight hundred prisoners in Sonnenburg, fifty voted against the Government, fifty handed in defective ballots, the rest cast their votes in favor of Hitler. When one of the Storm Troopers reported while at home on leave that the prisoners in the Concentration Camps were to be gradually destroyed by hard treatment, he was summoned before the governor of the camp: he has not been heard from since. The other Storm Troopers believe he was murdered. Meanwhile, the Communists claim that their illegal publications now circulate more widely than their legal ones did under the Republic.

Political Reprisal in England. An almost unlimited number of cases of political reprisals may be found in practically every country. These take varying forms according to the organization of political life in the various countries. In highly autocratic states, such as Germany, Italy, and some Latin American countries, the employment of the death penalty, often without formal judicial process, or more or less illegal forms of imprisonment, may be used extensively. In countries like France, England, or the United States, where democratic forms of political procedure are more frequently adhered to, political reprisals are more likely to be unofficial and accidental, perhaps

[1] Editorial Comment in *The Living Age*, CCCXLVI : 4 (March, 1934).

the byproducts of mob violence. Such was the case in the following instance, in which, the local vote having gone against the Liberal party, and the suffragettes having been blamed for this result, a Liberal party mob attacked the suffragette agitators in the manner described below.[1]

After the declaration of the poll Mrs. Pankhurst and Mrs. Martel, the only members of the Suffragette band left in the storm centre of Newton Abbott, saw Captain Morrison Bell escorted from the Market Square by a strong force of police, and were themselves urged to hurry away and leave the town at once. The warning seemed to them absurd, and Mrs. Pankhurst laughingly said that she had never yet been afraid to trust herself in a crowd. Immediately afterwards she and her companion met a procession of young men and boys wearing the Liberal colours, who were hurrying from their work in the clay pits. As soon as they heard that the Liberals had been defeated, one of them pointed to Mrs. Pankhurst and Mrs. Martel: "Those women have done it." Then the whole crowd of them started running and from somewhere or other there came a shower of rotten eggs. The two women were completely taken by surprise, and, more anxious to avoid the eggs than the angry crowd, they rushed into a grocer's shop, whilst a big brewer's drayman, who had been standing by jumped into the doorway and fought their assailants off until they were safe. The men and boys outside howled as their prey escaped them, and the people to whom the shop belonged, though anxious to protect the women, cried out despairingly that the windows would be broken in. Mrs. Pankhurst at once said that she could not bear to be the cause of loss to those who had sheltered her, and at her own request she and Mrs. Martel were led through a back door and across a yard leading to a narrow lane behind, whence it was thought that they would be able to escape. As soon as the door had been shut upon them, their assailants who had guessed their movements came rushing up. Mrs. Martel was seized by one who caught her by the throat and began to beat her about the head, but in a flash the shopkeeper's wife had heard the noise and had opened the door again and, somehow or other, she and Mrs. Pankhurst had rescued Mrs. Martel and had dragged her into the yard. The door was shut and safely bolted in all haste, but just as it closed, a man struck Mrs. Pankhurst a heavy blow on the back of the head, and, as she staggered on the threshold, pulled her back and she was left outside. Then the men gave an angry shout, and one of them, seizing her by the collar of her coat and by her wrists, flung her to the ground. She caught a glimpse of them all rushing on her, then for a time she knew nothing until she felt the wet mud soaking through her clothes. There was a pause. As she lay there looking at them, she saw that they had all closed round her in a ring, and that in the centre was an empty barrel. "Are they going to put me into it?" The thought flashed through her mind. Hours seemed to pass as she watched them, all dressed in drab-coloured clothes, smeared with yellow clay, and every one wearing a red Liberal rosette. They all seemed to be puny half-grown youths, and without knowing why she did so, she asked, "Are there no men here?" For an instant they still stood. Then one of them came forward, and she felt that whatever was to be done to her was about to begin, but suddenly there was a shout, and the police came galloping up with a crowd of rescuers at their heels. Her assailants turned tail, and she was lifted up and carried back through the yard into the shop. A large force of police now surrounded the premises, but a great crowd had assembled, and it was two hours before a motor car could be brought through it

[1] From E. Sylvia Pankhurst, *The Suffragette* (Sturgis and Walton Co., New York, 1911), pp. 185–187.

and the women were able to get away. The disorder did not end here, for the rowdies flocked thence to the Conservative Club, smashed every one of its windows, and kept its members besieged there all through the night. Next morning the body of Sergeant Major Rendall of the Royal Marines, an ex-Instructor of the Newton Abbott College, was found in the mill severely bruised about the head. Throughout this violent disturbance not a single arrest was made. During the whole course of the election but one man was fined five shillings and costs for assaulting one of his political opponents. Well indeed might the Suffragettes say that the treatment meted out to them was very different from that extended to men who were fighting on the Government side.

As a result of the attack which had been made upon her, Mrs. Pankhurst was unable to walk for some considerable time, and her ankle was so severely injured that it gave her trouble for more than a year, whilst owing to the treatment she received Mrs. Martel will probably always bear a scar upon her neck.

A Jersey City Case. It is not necessary, however, to go to Germany or to England for cases of political reprisal, as numerous and striking as they are there. In the spring of 1938 national attention was called to the fact that Mayor Hague's political organization was taking drastic measures, mainly through the police of Jersey City, to keep radical agitators out of the city. Frequently the police escorted would-be speakers to the Hudson River and put them on board ferries or subways and warned them not to return. In this manner and similarly Norman Thomas, repeatedly official Socialist candidate for president of the United States, national Representatives John T. Bernard and J. J. O'Connell, and others were either sent out of the city or prevented from speaking. Such acts by the police and the political partisans of the Hague organization caused much excitement throughout the country. An appeal was made to President Roosevelt to use armed intervention, if necessary, to guarantee the rights of free speech in Jersey City. He refused. One propagandist asked the Secretary of State for a passport to Jersey City. Other persons requested armed protection from the Department of Justice in entering the city. All such half humorous measures served well to intensify popular interest and excitement regarding the open defiance of the Hague factions. Mayor Hague was reported to have answered his critics, who complained that the law was openly violated in Jersey City, with the words, "I am the law." It is said, furthermore, that he proved his assertions by such actions as are mentioned above. One of the popular magazines of the country took cognizance of the situation and published the report of an investigator who studied the methods used by the politicians to secure support for their policies and to prevent a revolt of the citizens. The portion of this report dealing with reprisals is presented below.[1]

[1] Leane Zugsmith, "New Jersey under the Terror," *Ken*, I : 69 (May 5, 1938). Copyright by Coronet-Esquire, Inc., 1938. Published by permission.

The municipal employe told me that the reason I would get no Jersey City business men to talk to me was because "reprisals come to everybody who disagrees with Hague. When he says 'I am the law,' he is the law."

I asked him what the nature of the reprisals would be and he answered: "The first thing they do is to reach your family. Almost every one has a relative on the pay roll. He's threatened with his job. And all you'd have to do would be to criticize the administration."

He told me how taxes could be raised, properties condemned, arrests made. When he suggested the names of certain Hudson County residents who could confirm his stories, if they would, he advised me not to say too much over the telephone because nobody knew when his phone was tapped.

Eventually I reached business men who would talk to me, and professional men and housewives and workers and homeowners. In each instance, I had to be certified as honorable by someone whom they trusted. Not one would see me unless he had been convinced that his name would not appear in connection with his statements. Many of them refused to see me, unable to believe that I would really protect them. One grocer told the housewife who had been trading with him for five years. "I couldn't talk to her. There are too many spies around." She tried to reassure him, telling him that I didn't live in the state, that she was an old friend of mine. "I couldn't take the chance," he said. "If it got back to Hague, where would I be?" . . .

The second business man I saw backed away after I had identified myself. "No, no, I haven't anything to say to you," he said. "Your coming in here and asking me, it's like coming to a Jew in Nuremberg and asking him what he thinks of Hitler."

"I promised not to use your name," I said. "A. talked to you and told you I'd protect you."

"People like me, we can't tell you, we'll be ruined. He'll ruin us. I must have said something already where I shouldn't."

After I had partially reassured him, he said: "Yes, I know, but if you just said the part of town I'm in, they'd trace it back to me."

"What could they do?"

"A boycott, everything. They can do everything. Find something wrong with the building you're in. If you just let out one word about him, you're ruined. I know of a baker whose father had the bakery before him. Around election, someone in the bakery heard him say something; in a couple of months, he was put out of business." Then he said curtly: "That's all."

The Mob as an Agent of Reprisal. The mob is one of the most powerful and ruthless agents of reprisal and retaliation. Mobs rarely congregate of their own accord. Back of them, stimulating them to acts of violence, are almost always to be found definite and self-conscious interests which use the mobs as means of reprisal against other interests or factions which threaten the power, prestige, or profits of the first group of interests. The mobs are stimulated by various propaganda devices, and not infrequently by active leaders who conduct the operations of the mobs in person. Mobs, because of their high emotional potential and the low ethical and intellectual level on which their members operate, are peculiarly destructive of life and property.

Frequently the instigators of mob reprisals are able to conceal their identity and thus to place the blame for the damage and cruelty wreaked upon the object or objects of their reprisals upon the mob itself. The mob, however, is usually unaware that it is being manipulated in the interest of some group or faction instead of acting upon the initiative of each individual member. In the following case the origination (although not the names of the originators), the development, and the final frustration of a mob are all described.[1]

To provide against accidents and disasters, he (Thompson) left the city on the day before the [abolitionist] meeting. But this his enemies did not know. They confidently expected that he was to be one of the speakers. An inflammatory handbill distributed on the streets at noon of the 21st seemed to leave no doubt of this circumstance in the proslavery portion of the city.

The handbill referred to ran as follows:

THOMPSON,
THE ABOLITIONIST!!!

"That infamous foreign scoundrel, THOMPSON, will hold forth *this afternoon* at the *Liberator* office, No. 48 Washington street. The present is a fair opportunity for the friends of the Union to *snake Thompson out!* It will be a contest between the Abolitionists and the friends of the Union. A purse of $100 has been raised by a number of patriotic citizens to reward the individual who shall first lay violent hands on Thompson, so that he may be brought to the tar-kettle before dark. Friends of the Union, be vigilant!
Boston, Wednesday, 12 o'clock."

That Wednesday Garrison spent at the anti-slavery office, little dreaming of the peril which was to overtake him in that very spot in the afternoon. He went home to an early dinner, since his wife was a member of the society, and he himself was set down for an address. As he wended his way homeward, Mischief and her gang were afoot distributing the aforesaid handbill "in the insurance offices, the reading-rooms, all along State Street, in the hotels, bar-rooms, etc.," and scattering it "among mechanics at the North End, who were mightily taken with it." Garrison returned about a half hour before the time appointed for the meeting. He found a small crowd of about a hundred individuals collected in front of the building where the hall was situated, and on ascending to the hall more of the same sort, mostly young men, choking the access to it. They were noisy, and Garrison pushed his way through them with difficulty. . . . The crowd of a hundred . . . swelled to thousands. . . .

Meantime the atmosphere upstairs at the hall began to betoken a fast approaching storm. The noises ominously increased on the landing just outside. The door of the hall was swung wide open and the entrance filled with rioters. . . . The tempest had begun in the streets also. The mob from its five thousand throats were howling "Thompson! Thompson!" The mayor of the city, Theodore Lyman, appeared upon the scene, and announced to the gentlemen of property and standing, who were thus exercising their vocal organs, that Mr. Thompson was not at the meeting, was not in the city. But the mayor was a modern Canute before the sea of human passion, which was rushing in over law and authority. He besought the rioters to

[1] Adapted from Archibald H. Grimke, *William Lloyd Garrison, The Abolitionist* (Funk and Wagnalls, New York, 1891), pp. 218–230.

disperse, but he might as well have besought the waves breaking on Nantasket Beach to disperse. Higher, higher rose the voices; fiercer, fiercer waxed the multitude; more and more frightful became the uproar. The long-pent-up excitement of the city and its hatred of Abolitionists had broken loose at last and the deluge had come. The mayor tossed upon the human inundation as a twig upon a mountain stream, and with him for the nonce struggled helplessly the police power of the town also.

Upstairs in the hall the society and its president are quite as powerless as the mayor and the police below. Miss Mary S. Parker, the president, is struggling with the customary opening exercises. . . . But now the rioters have thrown themselves against the partition between the landing-place and the hall. They are trying to break it down; now, they have partially succeeded. In another moment they have thrown themselves against the door of the office where Garrison is locked in. The lower panel is dashed in. Through the opening they have caught sight of their object, Garrison, serenely writing at his desk. "There he is! That's Garrison! Out with the scoundrel!" . . .

The advent of the mayor and the constables upon the scene at this point rescued Garrison from immediately falling into the hands of the mob, who were cleared out of the hall and from the stairway. Now the voice of the mayor was heard urging the ladies to go home as it was dangerous to remain. . . . When the passing of the ladies had ceased, the old fury of the mob against Garrison returned. "Out with him!" "Lynch him!" rose in wild uproar from thousands in the streets. But again the attention of the huge, catlike creature was diverted from its object in the second story of the building before which it was lashing itself into frenzy. This time it was the anti-slavery sign which hung from the rooms of the society over the sidewalk. The mob had caught sight of it, and directly set up a yell for it. The sensation of utter helplessness in the presence of the multitude seemed at this juncture to return to the chief magistrate of the city. It was impossible to control the cataract-like passions of the rioters. He heard their awful roar for the sign. The din had risen to terrific proportions. The thought of what might happen next appalled him. The mob might begin to bombard the sign with brickbats, and from this sign pass to the building, and from the building to the constables, and then — but the mayor glanced not behind, for he had determined to appease the fury of the mob by throwing down to it the hateful sign. A constable detached it, and hurled it down to the rioters in the street. But by the act the mayor had signified that the rule of law had collapsed, and the rule of the mob had really begun. When the rioters had wreaked their wrath upon the emblem of freedom, they were in the mood for more violence. The appetite for destruction, it was seen, had not been glutted; only whetted. Garrison's situation was now extremely critical. . . . Retreat from the front was cut off; escape from the rear anticipated and foiled. . . . He retreated up stairs, where his friend and a lad got him into a corner of a room and tried to conceal his whereabouts by piling some boards in front of him. But, by that time, the rioters had entered the building, and within a few moments had broken into the room where Garrison was in hiding. They found Mr. Reid, and demanded of him where Garrison was. But Reid firmly refused to tell. They then led him to a window, and exhibited him to the mob in the Lane, advising them that it was not Garrison, but Garrison's and Thompson's friend, who knows where Garrison is, but refuses to tell. A shout of fierce exultation from below greeted this announcement. Almost immediately afterward, Garrison was discovered and dragged furiously to the window, with the intention of hurling him thence to the pavement. Some of the rioters were for doing this, while others were for milder measures.

"Don't let us kill him outright!" they begged. So his persecutors relented, coiled a rope around his body instead, and bade him descend to the street. . . . He stepped intrepidly down the ladder raised for the purpose, and into the seething sea of human passion.

Garrison must now have been speedily torn to pieces had he not been quickly seized by two or three powerful men, who were determined to save him from falling into the hands of the mob. They were men of great muscular strength, but the muscular strength of two or three giants would have proven utterly unequal to the rescue, and this Mr. Garrison's deliverers evidently appreciated. For while they employed their powerful arms, they also employed stratagem as well to effect their purpose. They shouted anon as they fought their way through the excited throng, "He is an American! He shan't be hurt!" and other such words which divided the mind of the mob, arousing among some sympathy for the good man. By this means he was with difficulty got out of Wilson's Lane into State street, in the rear of the old State House. . . .

The news now reached the ears of the mayor that Garrison was in the hands of the mob. Thereupon the feeble but kindly magistrate began to act afresh the role of the twig in the mountain stream. He and his constables struggled helplessly in the human current rushing and raging around City Hall, the head and seat of municipal law and authority. Without the aid of private citizens Garrison must inevitably have perished in the commotions which presently reached their climax in violence and terror. He was in the rear of City Hall when the mayor caught up to him and his would-be rescuers. The mayor perceived the extremity of the situation, and said to the Faneuil Hall giants who had hold of Garrison, "Take him into my office," which was altogether more easily said than done. For the rioters have raised the cry "to the Frog Pond with him!" Which order will be carried out, that of the magistrate or that of the mob?

These were horrible moments while the two hung trembling in the balance. But other private citizens coming to the assistance of the mayor struck the scales for the moment in his favor, and Garrison was finally hustled, and thrust by main force into the south door of the City Hall and carried up to the mayor's room. But the mob had immediately effected an entrance into the building through the north door and filled the lower hall. The mayor now addressed the pack, strove manfully in his feeble way to prevail upon the human wolves to observe order, to sustain the law and the honor of the city, he even intimated to them that he was ready to lay down his life on the spot to maintain the law and preserve order. Then he got out on the ledge over the south door and spoke in a similar strain to the mob on the street. But alas! he knew not the secret for reversing the Circean spell by which gentlemen of property and standing in the community had been suddenly transformed into a wolfish rabble.

The increasing tumult without soon warned the authorities that what advantage the mayor may have obtained in the contest with the mob was only temporary and that their position was momentarily becoming more perilous and less tenable. It was impossible to say to what extreme of violence a multitude so infuriated would not go to get their prey. It seemed to the now thoroughly alarmed mayor that the mob might in their frenzy attack the City Hall to effect their purpose. There was one building in the city, which the guardians of the law evidently agreed could resist the rage of the populace, and that building was the jail. To this last stronghold of Puritan civilization the authorities and the powers that were, fell back as a dernier resort to save Garrison's life. But . . . how was he ever to be got out of the building and through that sea of ferocious faces surging and foaming around it.

First then by disguising his identity by sundry changes in his apparel. He obtained a pair of trousers from one kindly soul, another gave him a coat, a third lent him a stock, a fourth furnished him a cap. A hack was summoned and stationed at the south door, a posse of constables drew up and made an open way from the door to it. Another hack was placed in readiness at the north door. The hack at the south door was only a ruse to throw the mob off the scent of their prey, while he was got out of the north door and smuggled into the other hack. Up to this point, the plan worked well, but the instant after Garrison had been smuggled into the hack he was identified by the mob, and then ensued a scene which defies description; no writer however skillful, may hope to reproduce it. The rioters rushed madly upon the vehicle with the cry: "Cut the traces! Cut the reins!" They flung themselves upon the horses, hung upon the wheels, dashed open the doors, the driver the while belaboring their heads right and left with a powerful whip, which he also laid vigorously on the backs of his horses. For a moment it looked as if a catastrophe was unavoidable, but the next saw the startled horses plunging at break-neck speed with the hack up Court street and the mob pursuing it with yells of baffled rage. Then began a thrilling, a tremendous race for life and Leverett street jail. The vehicle flew along Court street to Bowdoin square, but the rioters, with fell purpose flew hardly less swiftly in its track. Indeed the pursuit of the pack was so close that the hackman did not dare to drive directly to the jail but reached it by a detour through Cambridge and Blossom streets. Even then the mob pressed upon the heels of the horses as they drew up before the portals of the old prison, which shut not an instant too soon upon the editor of the *Liberator*, who was saved from a frightful fate, to use a Biblical phrase, but by the skin of his teeth.

Curbing the Fury of Mobs. It so happened that this attempt to control the behavior of Garrison and the other abolitionists by means of violence through the mob was not successful. In fact, force is usually a poor technique to use against a major cause, the righteousness of which a large body of adherents thoroughly believe in. It rarely succeeds in such cases, as it did not in the case of the persecutions of the early Christians, in the attempt at repression of the Reformation, and in the warfare against republican and democratic movements in the last two centuries. Often the reprisals against the devoted adherents of such movements only stir them to greater loyalty and sacrifice.

So destructive and socially disorganizing has the mob proved to be in modern times that governments and propertied classes have taken unusual precautions to circumvent its violence. One of the mildest of these is the use of cold water from a hose applied by a fire company to the lawless members of the mob. More violent methods are dispersals by police or soldiers, sometimes with the help of firearms.[1] Tear gas is also used effectively against the mob. The method employed by the police in South Chicago in 1937 created widespread disapproval throughout the country and resulted in a spirited senatorial investigation, which was greatly assisted by a filming of the action made while

[1] See Lincoln Steffens, *Autobiography*, II : 749 ff., for a good case in point.

it was in process. The following description will give some idea of this case of extreme use of force in curbing the mob.[1]

The newsreel, every frame of which was carefully studied, and the photographs taken at various times during the action give the story in convincing detail. When gas was thrown into the east of the marchers' line the crowd in that section turned and fled, the police in full pursuit. The police then advanced all along the line swinging their clubs and shooting.

The marchers in the front ranks in the center and to the west of the line attempted to escape, only to find their way barred by the mass of tangled bodies of those already shot or fallen in their haste to flee. The police surrounded the mass of fallen men and women, clubbing them as they attempted to rise. In groups of two or three they continued the pursuit, struck laggards to the ground and clubbed the fallen where they lay.

Within a minute those marchers who could had fled the immediate scene. They re-formed at a distance, stood throwing stones at the police for a few minutes, then straggled back to Sam's Place. Many remained stretched out on the field. The police returned to drag them off to patrol wagons and to search the field for weapons and missiles. . . .

The nature of the police injuries does not argue that the marchers put up marked resistance to the police; the medical testimony of the nature of the marchers' wounds indicates that they were shot in flight. . . .

Common sense tells us that shooting in the air cannot explain forty gunshot wounds, the majority of them in the back. The alternative theory of the police that they shot in self-defense, firing only when they had been thrown to the ground by an assailant, is likewise refuted by the medical, photographic and oral evidence.

We need not here repeat the labored efforts of the police to reconcile back wounds with any rational theory of self-defense. . . . Neither the newsreel nor the newspaper photographs reveal any evidence of resistance on the part of the marchers. On the contrary, they show at least seven instances of police guns not fired in the air but leveled at those in retreat. . . .

Our conclusion that the use of excessive force to disperse the marchers was deliberate is confirmed by a consideration of their care of the wounded. . . . Wounded prisoners of war might have expected and received greater solicitude. . . .

By the frank admission of all of the police, no attempt whatsoever was made to render first aid on the field. Nor was there any effort to classify the wounded into those for whom immediate hospitalization was vital, those whose injuries were minor and those for whom medical treatment was already too late. . . .

The wounded and dying strikers were unceremoniously thrown into police patrols along with uninjured prisoners.

The record shows that each patrol wagon was equipped with a stretcher, yet the evidence is clear that not a single stretcher was employed to remove the wounded from the field. Instead, as the photographs establish, the police dragged seriously wounded, unconscious men along the ground.

Where Justice Is Denied. Some of the worst features of reprisal and its accompanying destructiveness are to be seen when the acts of reprisal assume the form of a secret and illegal resistance to what is

[1] From the senatorial investigation report as quoted in "The Steel Strike Homicides in Chicago," in *The Social Service Review*, XI : 493–495 (Sept., 1937).

regarded as unjust treatment for which there is no adequate legal remedy. There are many forms and instances of reprisals under such circumstances. Perhaps the characteristic violence of Italian banditti in the nineteenth century was in no small degree due to the unjust punishments perpetrated by despotic governments upon political opponents, which drove them into hiding and lawless reprisals against their oppressors. Popular sentiment credited Robin Hood and his men with the same motives in their banditry. A celebrated instance of illegal reprisal on the part of labor interests occurred in Los Angeles nearly thirty years ago. The McNamara case, in which the Los Angeles *Times* building was dynamited, attracted national attention for years. The reputed motive of this violence was the fact that labor felt itself unfairly treated and without legal redress.[1] The frequent use of violence against the government and officials of the Tsar by Russian Nihilist radicals in the nineteenth century belonged to a similar class of reprisals.

Sabotage. One of the most frequent types of reprisals which destroy property without taking human life is the practice known as sabotage. While we hear of it most frequently as a form of violence used by labor in its warfare with capital, it may in fact be employed by any interest whatever, and, as Bertrand Russell points out in the following passage,[2] it is so employed.

> The essential doctrine of Syndicalism is the class-war, to be conducted by industrial rather than political methods. The chief industrial methods advocated are the strike, the boycott, the label and sabotage.
>
> The boycott, in various forms, and the label, showing that the work has been done under trade-union conditions, have played a considerable part in American labor struggles.
>
> Sabotage is the practice of doing bad work, or spoiling machinery or work which has already been done, as a method of dealing with employers in a dispute when a strike appears for some reason undesirable or impossible. It has many forms, some clearly innocent, some open to grave objections. One form of sabotage which has been adopted by shop assistants is to tell customers the truth about the articles they are buying; this form, however it may damage the shopkeeper's business, is not easy to object to on moral grounds. A form which has been adopted on railways, particularly in Italian strikes, is that of obeying all rules literally and exactly, in such a way as to make the running of trains practically impossible. Another form is to do all the work with minute care, so that in the end it is better done, but the output is small. From these innocent forms there is a continual progression, until we come to such acts as all ordinary morality would consider criminal; for example, causing railway accidents. Advocates of sabotage justify it as part of war, but in its more violent forms (in which it is seldom defended) it is cruel and probably inexpedient, while even in its milder forms it must tend to

[1] See Lincoln Steffens, *Autobiography*, II : 659 ff.

[2] Adapted from Bertrand Russell, *Proposed Roads to Freedom* (Henry Holt and Co., New York, 1919), pp. 65–67.

encourage slovenly habits of work, which might easily persist under the new regime that the Syndicalists wish to introduce. At the same time, when capitalists express a moral horror of this method, it is worth while to observe that they themselves are the first to practice it when the occasion seems to them appropriate. If report speaks truly, an example of this on a very large scale has been seen during the Russian Revolution.

War. One of the most active fields for reprisals is, of course, war. In an excellent little book on the control factors operative in war, William C. Allen makes the method and spirit of such reprisals clear.[1]

Reprisals commenced very early in the Great War — indeed, war is largely made up of reprisals, and reprisals make up war. As is now pretty well known, the allied starvation blockade against Germany near the commencement of the struggle, which blockade applied against the civilian population as well as against the military forces, was followed by the U-boat blockade on the part of Germany. Gilbert T. Sadler has said:

"On February 4–6, 1915, the German Government protested against Britain trying to starve 70,000,000 people, and declared that they would, therefore, blockade Britain from February 18, 1915, which they did. Both sides acted brutally and their reprisals only led to more reprisals."

In connection with this I recall that in the early part of 1915, when abroad, I read in the public press a story regarding successful attacks that had been made by submarines of the allies upon vessels of their enemies in the Mediterranean Sea. As far as I know, nothing respecting these successful enterprises was published in the United States.

The *London Daily News*, October 10, 1917, reported: "Speaking at Nottingham last night, Sir Auckland Geddes, the Minister of National Service, delivered a message from the Prime Minister on the subject of the bombing of the German towns. Almost the last thing the Prime Minister said to him before he left home yesterday was, 'We as a nation have put our hands to the plow in this matter, and we shall see it through.' Mr. Lloyd George asked him to state that he was glad for the sake of the Government of this country and everyone in it that we did not begin this practice of bombing towns. [Hear, Hear.]

"'The spirit of the war lust in Germany must be exorcised,' said Sir Auckland, and the magic charm which would effect that exorcism resided in the wail of flying shells and the shriek of falling bombs — bombs falling on German towns.

"'I would that it had been possible to avoid inflicting that last punishment on the women and children of Germany,' he proceeded, 'but the brutal ferocity of the spirit which rules them has made it inevitable. Not in any spirit of vengeance, not in any spirit of reprisal, but in pursuance of the inexorable law which life lays on every man, "Thou shalt protect thy women and thy children or perish" — in pursuance of that law let the grim work be done.

"'Before the next twelve moons have passed many a German city, many a German hamlet will have heard the song of our aircraft, and have listened cowering for the bomb bursts that will mark their flight.'"

Sir Auckland Geddes was no more relentless in justifying his position than were other statesmen in the countries then lashed by the brutal reprisals of war. Indeed

[1] From William C. Allen, *War! Behind the Smoke Screen* (John C. Winston Co., Philadelphia, 1929), pp. 63–66.

he was mild in statement compared to many others. London and Scarborough had been mercilessly raided by the Germans. Reprisals naturally followed.

Here is a letter in a London newspaper, October 24, 1917, from the eminent Professor Cairns: "We are now quite plainly resolved to do in Germany the kind of thing the Germans have been doing in London. We all know what that is. There has not been the faintest indication that raiders were out for munition works or anything of the kind. They were out to terrorize us by killing as many men, women, and children as they could. We are now going to do the same to them. There is a sense of degradation in the speeches that have expressed this new policy . . . But many of us think that we should never do anything of which we are morally ashamed. The only plea urged is that necessity knows no law. Is this really true? If it is true are we to follow the German nation to every depth of infamy to which it may choose to drag us in its hour of desperation? . . . The new and far-reaching element here is the striking directly at the non-combatants. Is there nothing then, deeper than necessity, nothing for which a people should stand at every hazard, believing that it is right and that the other course is wrong?"

In spite of much apprehension in England regarding the "sense of degradation" expressed by Professor Cairns, the reprisals went forward.

Lord Rothermere, Air Minister, was reported in the London papers December 15, 1917, as speaking at a dinner the preceding evening and during his remarks as stating:

"At the Air Board we are whole-heartedly in favor of reprisals. It is our duty to avenge the murder of innocent women and children. As the enemy elect, therefore, so it will be a case of 'an eye for an eye and a tooth for a tooth,' and in this respect we shall strive for complete and satisfying retaliation." [Cheers.]

Reprisals against Non-Combatants and Prisoners. Reprisals in war often extend outside of actual combat, as the case which follows will show. So desperate does the struggle become that even prisoners and non-combatants may share in the extreme measures of reprisal employed. Examples of the latter type were furnished in the selection just quoted. We may turn to the passage that follows for an instance of the former type in our own Civil War.[1]

During our confinement at the Libby, Captains Flinn and Sawyer were selected by lot to be executed, in retaliation for two Kentuckians whom General Burnside had caused to be shot for recruiting within our lines.

Well do I remember the morning — it was during the latter part of June, I think — the Captains were called out of their quarters. They hurried down stairs gaily, and even boisterously, supposing they were to be paroled. They were taken into a vacant room on the lower floor of the prison, formed in a hollow square, and there informed solemnly and impressively, by Major Turner — even he seemed moved on the occasion — that he had a very painful duty to perform, at the same time reading an order from General Winder to select two of the officers present for immediate execution.

Imagine the sensations of the Captains — some fifty in number — at that moment! What a terrible reaction must have followed! What an icy chill of horror must that announcement have struck to their hearts, swelling a few minutes before with the hope of early restoration to freedom.

[1] From Junius H. Browne, *Four Years in Secessia*, pp. 273–275.

It was not the fear of death that blanched so many warworn cheeks, and shook so many brave hearts; it was the suddenness, the horror of the idea —the cold, deliberate determination, by lot, of a violent death to two of their innocent companions-in-arms.

One of our chaplains was requested to draw the names that had been written on slips of paper and thrown into a box, and the first two were to be the victims. One might have heard the fall of a rose-leaf at that awful moment. Every breath seemed suspended; every heart bursting with its pulsation. Eyes kindled with burning anxiety, and lips quivered with suppressed emotion. Fearful scene! who can forget it?

The names were drawn and announced; and that hollow square took a long breath that was audible in the painfully silent room. The selected Captains did not change countenance. They were pale before; but they turned no paler. Their mouths closed more firmly, as if they were summoning the resolution of brave men to die bravely, and they walked mournfully, though silently, away.

They were taken before General Winder — I am very glad he is dead — who abused them shamefully when he knew they believed they had only a few days, perhaps hours, to live — and thence removed to the subterranean dungeons of the Libby. Every one knows how General Lee, the son of Robert E. Lee, and Captain Winder were made hostages for Flinn and Sawyer, and how the Rebel authorities finally released the chosen victims, although the Richmond papers clamored for their blood, and bitterly denounced Jefferson Davis because he did not dare to execute them. As I told them they would, the very day of their allotment, they obtained their freedom long before *The Tribune* Correspondents; and yet their position was by no means pleasant. The Rebels were growing desperate even then; and it was not unreasonable to suppose they might attempt the inauguration of a bloody retaliation in the hope of compelling, what they had otherwise failed to secure, the interference of European powers for the sake of humanity.

The day of the drawing was a gloomy one in the Libby. We all felt if the Captains were executed, that no one was safe; that retaliation once begun, no one could say where it would end.

Reprisals against Captives. Many cases of reprisals being taken upon prisoners captured in war who are executed almost immediately, and sometimes after they have been given a formal promise that their lives will be respected, may be found by the searcher in the annals of history. This use of reprisals is particularly liable to occur if there is wanting a safe place to incarcerate the prisoners, if there are insufficient soldiers to guard them, if the anger of the captors is strong, if their desire for loot is great, or if the commander wishes to intimidate the enemy. The history of the massacre at the Alamo in San Antonio in 1836 is a case in point. The massacres in Ireland have already been described in Chapter V. Such bloody reprisals were very common in early times and they were perhaps the general rule in Latin America in the nineteenth century. They were so frequent in connection with the Fascist invasion of Spain in 1936–1938 that they were the subject of international negotiation and protest, but the protests were apparently without the hoped for results.

Gangster Reprisals. Last of all, we may turn to gangsterism as another rich field for reprisals. The various rival gangs in our cities make very frequent use of assassination as a method of intimidating their competitors or of removing a strong leader from the opposing faction. This method is also employed frequently to get rid of members of their own gangs when the loyalty or the willingness of such persons to obey orders is suspected. Frequently the suspects are shot down in the crowded streets from a passing automobile or from a hotel or rooming house ambush. On other occasions they are "taken for a ride" and dispatched in some less crowded place. Scores of such murders have been recorded in the daily press in recent years. Bombing, "hijacking," and other forms of destruction of property are also resorted to by criminal gangs as methods of reprisal. So common are these occurrences that no illustrative cases are necessary in order to make the technique clear to the reader. Neither is gangsterism exclusively a modern phenomenon, as the cases from the Near East set forth below will testify. On the whole gangster reprisals are less frequent now than in earlier times. The methods also have changed considerably, although the following cases have points of similarity with cases recorded in the daily press of the present time. Gangsterism in its present form and extent is of relatively recent growth in the United States. It has been imported from European and Asiatic countries where it has long been indigenous in many other forms in addition to those cited here. Our cases are taken from a region long accustomed to gangster reprisals, both between the Mohammedans and the Christians and between the Arabs and the Jews. Reprisals between Jews and Arabs have recently been greatly intensified in this locality, due to Jewish immigration and to international propaganda. The earlier cases follow.[1]

Although I have been in Palestine but a short time, I could fill a volume with shocking cases of oppression, misery, and crime of every kind, which have come to my ears. What I have seen within two weeks, on a journey from Nazareth to Jerusalem and on my return, may suffice to give an idea of the present state of things in Palestine. On my way to Jerusalem, I visited a Coptic Christian, who told me that four head of cattle were stolen from him the previous night by persons whom he recognized. While we were speaking of this matter, the leader of the thieves entered the door in broad daylight, and demanded a considerable amount of ransom money to deliver the stolen cattle. The owner, although the Secretary of the Governor of Jenin, who has at his command a pretty large number of mounted soldiers, did not venture to arrest him, and found that the only way to get back cattle would be to pay the ransom money. The Government, with all its retinue of satellites, fears the robbers more than the robbers fear the Government.

I passed a hill-side, planted with thriving young figtrees, which presented a pitiful aspect. All the trees had been cut down. This is the usual way in which the

[1] From Benjamin Bausman, *Sinai and Zion* (Philadelphia, 1861), pp. 411–414.

quarrelling parties take revenge on each other, without being punished for it. The district of Nablous (Shechem) is constantly harassed and buffeted by wars between two contending parties, aspiring to grasp the reins of government. Stopping at another place to water my horses, I was accosted by a farmer, with torn garments and a bleeding face, begging me to procure for him the protection of a European consul, otherwise his foes would not rest until they had killed him, as he could not expect protection from the Turkish Government. On my return from Nablous, my travelling companions, having lingered behind the party, were attacked by a band of robbers, who pelted my friends with stones, and cried to their companions to surround them. They escaped narrowly with their lives.

In Nablous I found a Protestant from the neighboring village of Raphidim, who, with five other families, was compelled to abandon his house, property, and village, to escape the intolerable extortion of Bedouin chiefs and of the Government. When I travelled through the Valley of Jezreel, the aspect of this beautiful plain was alive with the black tents of Bedouins. To these plundering tribes we owe it, that this loveliest plain of Palestine is strewn with ruined villages. In the spring they come up from the Jordan, with their herds, and graze off what the farmers have sown along the edge of the plain; and for those parts not eaten up by the herds, the owners must pay a heavy sum of ransom money to the Bedouin chiefs. The Turkish Government is deaf to the complaints of these distressed farmers, and their cries for relief. And, what is still worse, it exacts, with a merciless hand, fixed and arbitrary taxes; and, should the oppressed peasants find it difficult to pay them, the soldiers of the Pasha will prove more relentlessly cruel than the Bedouins.

I will give the following as a specimen. Recently a large quantity of costly silks was stolen from a travelling merchant, out of the public inn at Nazareth. Through the intervention of the consuls at Jerusalem, the authorities of Nazareth were compelled to institute an investigation. A suspected person, blind from his youth, was arrested, and was bastinadoed with four hundred stripes. Afterward it was discovered that the Turkish Judge was the chief in the robbery, who had only used the blind man as his tool. The Judge remained perfectly at ease, though he was aware that others knew him to be a party in the matter. The people expressed no surprise that the Judge retained the stolen goods, for they have long ago become accustomed to such conduct.

One of our people in Jaffa (Joppa) is at present involved in a very unpleasant lawsuit. A young Mohammedan fell into a well, and was killed. His relatives now allege that a member of our congregation has killed him, and demand his blood, — which means, that one of his family must die for the murdered man. It has been clearly proven that the accused was far away from the well at the time the matter occurred. All seem to be convinced that the relatives of the dead man only designate this poor man as the murderer, with a view to extort money for his release. They now incessantly threaten to kill him and his whole family. He had a thriving young olive orchard, worth about 1000 florins ($400), which they hewed down for him. They surrounded his house in Joppa of a night, and fired bullets into the walls and doors. At length he found himself compelled to pay 300 florins. After this appeared a wretched Bedouin, not in the least related with the deceased, and threatened to avenge his blood. Neither the Government nor the consuls have power to check these persecutions.

Recently our school teacher, Elias Essaptar, in Cefer Cana, was asked by the Judge of Nazareth, how he could presume to instruct a Mohammedan in the Christian religion. Elias replied: "The man asked me himself to instruct him." Whereupon the Judge threatened to plunge the teacher and his pupil into the direst

misfortune, if they would venture to speak a word together in the future. The Vice-Consul of Caipha, being present, reminded the Judge of the religious freedom which Hati Scherif had promised to them. To which one of the other judges replied: "If the Sultan, Abdul Medschid, would attempt to fulfil this promise, he would be driven from his throne."

Reprisals against the Gangsters. The problem of destroying our own modern gangsterism is normally one of the apprehension and punishment of the offenders through the channels of the law. However, due to police corruption and political graft, the inefficiency of our law enforcement machinery, the perversion of our criminal procedure, and the spirit of gangsterism among criminal lawyers and sometimes in the courts themselves, we have not been very successful in ridding ourselves of the menace of gangsterism. It has made decided inroads upon the public peace within the last decade. This fact and the fear of still further developments of gangsterism has led many people to believe that the only sure method of protection lies outside of the law in some form of reprisals which bring to bear upon the gangsters the same sort of violence to which they subject the more law-abiding citizens. This problem is discussed in the following editorial.[1]

We are in the grip of terror, and we will continue to be preyed upon by the criminal world until the community is purged of gangs. The men who kidnaped Dr. Kelley and moved him from place to place on the outskirts of town were far from being amateurs. They are a highly organized band of professional criminals. The skill with which they arranged the kidnaping and carried it out while officers of the law played at blind man's buff illustrates the point made by Prof. Tyrrell Williams of Washington University Law School when he said in a recent contribution to the *Post-Dispatch* that modern society has to contend with the intellectual criminal.

Rabbi Stephen S. Wise of New York City expressed recently an opinion that the law-abiding elements in our great American cities will be ultimately driven to vigilanteism. We doubt that. To resort to arms in defense of society is to confess to the failure of law. The American people have yet to confess to failure of any such law as that of self-preservation. It is for this reason that we have been calling attention to citizen movements such as the creation of the Chicago Crime Commission. The people of St. Louis and St. Louis County, as well as those on the East Side, can drive the underworld out by organizing against it at the polls. The decay of society begins in officialdom. The plight of Chicago was the inevitable consequence of Thompsonism.

Over in Cincinnati, where the citizens have brought about the opposite of Thompsonism, the underworld is negligible. The demoralization of politics across the river from St. Louis has made that region a fertile soil for crime. It was there that Dr. Kelley was liberated. The whole East Side is a rendezvous of scalawaggery. It abounds in gangsterism, murder, thievery, corruption and extortion. Neither St. Louis nor St. Louis County can boast of a much better state of society; but it is still true that we can never be the law-abiding community which Cincin-

[1] From the St. Louis *Post-Dispatch*, March 29, 1931.

nati has made herself, and which Chicago aspires to make herself, until we all join together and cast the criminal out.

After the thieves' market and the shameless imposition upon Dr. Kelley, a man who thought he was succoring the afflicted, the community can only ask, "What next?" Neither life nor property is secure. The enemies of society have become a force to be reckoned with — a dangerous, efficient and merciless foe. The time has come for law-abiding people to stand together, to organize for good government, to scrutinize the acts of every public official, and to see that only the friends of society are on guard. It is the price of safety.

The Trend in Reprisals. Because of the great importance of reprisals in modern life considerable space has been required for the presentation of cases illustrative of the most significant forms and conditions under which they occur. But as numerous as reprisals still are, it seems to be evident from an examination of history that they are less frequent and less violent than formerly. There is, apparently, an easily recognizable gradient here. With the decline of the motive of vengeance there appears to have been a more or less corresponding decline in the use of reprisals, at least of the more brutal type. This is especially true of those reprisals based upon the destruction of life and property. Whether it is equally the case with reference to commercial and political reprisals is open to considerable doubt. Cases of these types will be discussed later in connection with the subjects of exploitation and intrigue. We have limited ourselves here mainly to those cases which make use of force and violence and destruction in order to secure their ends. As desirable as would be a civilization in which everyone might have complete faith that all disputes would be adequately adjudicated and all injustices promptly righted by due process of law, such an achievement does not appear to be immediately in prospect. Nor does it seem likely that all men will be satisfied in the near future to act only from just and pure motives. In the meantime, retaliation and reprisal may be expected to continue.

STUDENT EXERCISES

1. Students may be assigned to clip a certain number of issues of daily papers with instructions to secure and classify all the cases of reprisals they can find and report on results to the class.

2. What cases other than the one given in the text can the students cite in which action taken or advocated against radicals was really in the nature of reprisals for their attacks upon economic privileges instead of primarily against the government?

3. What was the probable ultimate motive in the attacks upon the attempts of the people to read religious books for themselves and of teachers to educate the Negroes as described in the text?

4. Can the student locate and describe other historic cases similar to these?

5. Some student may be instructed to report on witchcraft persecutions in New England.

6. Students may be directed to secure other cases of political reprisals from European and American periodicals and histories.

7. Chapter III of E. A. Ross' *Social Psychology* may be assigned for outside reading on the traits of mobs.

8. Review the action of the pro-slavery mob that attacked Garrison as described in the text. Show how its fury grew. What finally broke its concentration?

9. Other books that may be reported with profit in connection with the study of mobs are: Gustave LeBon, *The Psychology of Revolutions* and E. D. Martin, *The Behavior of Crowds.*

10. Other examples of specific mob action may be found and reported by students, especially in connection with lynchings and the New York draft riots during the Civil War.

11. The instructor may assign the text references to Lincoln Steffens' *Autobiography* to the class as a whole or for reports by individual students.

12. Make a list of organizations other than labor groups that have been known to practice sabotage. Describe the kind of sabotage they practiced.

13. Take some work on the General Strike and (1) make a list of general strikes that have been attempted. What in the aggregate was the result? (2) Discover the objectives of the general strikes as practiced.

14. Take any history of any war and list the kinds of reprisals practiced in that war, keeping count of the number of each kind reported.

15. If other students are assigned to do the same for other wars, the results may be compared numerically with reference to time periods and countries.

16. Some student may be assigned to report on the massacre of the Alamo as a type of reprisal against prisoners. Pennybacker's *History of Texas*, or some similar volume, may be used as a source.

17. Other studies of reprisals upon prisoners in various countries and times may be made by referring to the indexes of standard histories of those countries and running down the references.

18. What most impressed you about the attitudes expressed toward reprisals in the selection dealing with the war between Germany and the allies?

19. Compare the gangsterism practiced in an American city at the present time and that described as occurring in Palestine in the middle of the last century.

20. Compare the objects of the reprisals used in each type.

21. Make a list of the forms of reprisals omitted from this chapter.

22. As an example of reprisals between police and labor demonstrators who feel themselves aggrieved an article entitled "How to Make a Riot" in *The New Republic* of June 26, 1934 may be assigned. Who were taking reprisals in this case?

23. Discuss the control value of reprisals.

24. Estimate the social consequences of reprisals.

25. Apply the results of your discussion of the last two questions to reprisals as represented by the blood feuds of the Kentucky mountains and of primitive clansmen.

26. The students should be encouraged to collect and classify examples of reprisals in ordinary business practice and in professional practice.

27. The same should be done with respect to the reprisals found to be employed in the minor aspects of social intercourse and competition.

28. An excellent illustration of the employment of reprisals for the sake of partisan domestic political purposes, justified by an international episode, is to be found in *News-Week*, Nov. 21, 1938 (Vol. XII, No. 21), pp. 17–18. The class as a whole should read this if it is available.

Chapter VIII

SOCIAL CONTROL BY MEANS OF INTIMIDATION

The Relation to Force. The use of fear and intimidation and threats lies just over the borderline from force as a method of social control. This is a very widely employed technique and it is so frequently successful that it may be regarded as one of the favorite means of control. It appears to have been the chief method employed by Hitler and Mussolini in securing concessions from Great Britain and France in the years 1935–1938. In order to make the method successful it frequently becomes necessary to back up the threat of force with an actual application of violence. Such was the procedure adopted in the first cases to be described in this chapter. Often the threatened persons discount the likelihood of the threat being carried out to the letter and therefore disobey the commands of the threatening parties. Unless violence is used in such cases by the controllers, soon no fear is felt toward them and they lose the power of intimidation which they seek to maintain through the fear they inspire. Thus it is essential, as a phase of control tactics, to back up each threat with definite acts of violence if control through the method of fear and intimidation is to succeed. Certainty of retribution in this method of control is as important as it is in the field of punishment. A weakening of nerve or of resolve on the part of the controllers is fatal to their prestige and to the success of their technique in both cases. Whether this control method is used for the good or for the ill of the controlled, or of society at large, the rule holds just the same. Hence it is evident that control through fear and intimidation is never far removed from violence and it may at any moment pass over into that technique.

Their Relation to Punishment. We have already indicated the close relationship of the use of fear and intimidation as a social control to that of punishment. In fact, it is very largely the fear of punishment that holds the professional and habitual criminal in check, in so far as he is restrained from crime. Such, however, is not always the most effective method of preventing criminal acts arising from peculiar temptations or from strong passional motivations. Frequently idealistic impulses are as powerful as fear of punishment in the prevention of criminal acts by normally habituated persons. Fear and intimidation also operate as a strong supplementary or preventive control in international, or other

inter-group, relations, where otherwise pacification and reprisals might be employed as extreme measures of control.

Fear and intimidation are also much employed in the control of individual behavior. Threats of punishment, intended to produce fear and thus to restrain forbidden behavior, are one of the chief stocks in trade of the unskilful parent, teacher, or labor supervisor. Threats are also used frequently between work companions, and people otherwise associated in recreation or consumption, as a means of "keeping poeple in their places," of preventing undue aggression, or even of compelling restitution and reparation. They are employed freely even among the lower animals to prevent aggression or to compel the surrender of desired objects. Everyone has observed the growl and snarl of the dog, or the throwing back of the ears of a horse or mule together with a sudden shift of the heels in the direction of the threatened animal. The menacing lowering of the head and half-circling movement of the horns of a bovine animal, accompanied perhaps with forcible expulsion of air through the nostrils, also carry a similar threat which is universally understood. The coiling and hissing of the serpent have a similar threatening message for those who are familiar with its ways. The human animal has a much greater variety of symbolic devices by which he can express his threats and intimidate his competitor or opponent. As a consequence this method of control is chiefly a human device and has been developed to very considerable proportions by mankind.

Supplementary Devices. Of course threats do not always imply the use of physical force or violence. Many other similar forms of control, such as reprisal, punishment, or exploitation, are available with which to coerce people into conformity to the will of the controller. It may be possible to bring social disgrace upon the person threatened, and in such a case the threat is called blackmail. Or fear of economic loss in business, loss of professional prestige, or of political power may be the pressure which the threatener uses to secure conformity with his wishes and demands. Fear may also be inspired in numerous other ways and threats that fall short of violence may be utilized effectively to produce intimidation in a great variety of situations. Modern civilization, with its vastly greater complexity and its wide range of human relationships on a symbolic or language level of contacts, makes possible a much increased range and volume of the employment of fear and intimidation on a non-violent level. Yet the original basis of the use of this device of control was the threat of the employment of force, and this crude and primitive method is still one of the most effective methods of control, although it is largely repudiated by our more advanced culture. In this chapter we shall deal mainly with fear and intimidation induced through threats to make use of force. In subsequent chapters we shall find abun-

dant examples of fear induced by other devices for intimidation and exploitation.

The After-Effects Are Also Important. So far we have spoken mainly of fear and intimidation as preventive and compulsory control devices operating previous to or without violence. Such is undoubtedly the most common form in which these methods are employed. It is thus that fear and intimidation work most closely in conjunction and in cooperation with threats. But the devices of fear and intimidation, as we have already intimated, are also powerful after effects of violence and exploitation. This is an aspect of this method of control which should not be neglected. We have already seen these devices at work as a result of the persecutions, punishments, mob violence, and other forms of reprisal and other applications of force to the problems of control discussed in previous chapters. We shall see it again illustrated in connection with the various forms of exploitation to be discussed in subsequent chapters.

Personal Intimidation. It is not necessary to present cases illustrating the use of personal threats and the control of individuals in private relationships through fear and intimidation. Each reader can easily supply this deficiency for himself. The cases are numerous, and easily observable and may be collected at will. However, an example illustrating the methods used by train robbers in a recent exploit in order to keep their victims quiet and submissive, may be offered. The Associated Press dispatch is, in part, as follows.[1]

> Four masked and well-dressed robbers held up nearly 40 persons aboard the crack gulf coast-bound Illinois Central train, the "Louisiane," last night, shot one man who resisted them and escaped in an automobile commandeered after the train reached Kankakee. Railroad officials estimated the loot at $843. . . .
>
> George Kerr, a salesman from Chicago, was shot in the hip during the robbery when he lurched against a holdup man in the belief the robbers were "joking." The bullet penetrated his billfold, which contained $40. He was compelled to surrender the money, but the punctured wallet was returned.
>
> Firing wildly several times to frighten their victims, the robbers carried out the raid with precision, systematically robbing the passengers in the buffet car and three coaches. The men were believed to have boarded the train in a Chicago suburb. . . .
>
> Trainmen aboard were cowed to prevent them from warning the engine crew, as the four went through the coaches. Passengers said that in each car they apparently used the same tactics, firing a shot into the ceiling and warning passengers against offering any resistance. M. L. Robinson, a Pullman porter, was forced to accompany them as they passed from car to car, and compelled to lock doors after them. . . .

Intimidation Followed by Violence. The second case that we shall describe here is that in which a group of pro-slavery men attempted by

[1] From the St. Louis *Post-Dispatch*, April 5, 1935.

means of veiled threats to inspire fear and thus to intimidate an anti-slavery publisher. It so happened that the pro-slavery men were not very successful in their attempted intimidation through threats. Consequently they promoted a mob which used violence and destroyed the printing establishment of the publisher. This use of force as an additional sanction over and above the veiled threats succeeded in intimidating the anti-slavery agitators to the point that they abandoned their enterprise. The stereotyped nature of mob behavior, whether aimed at reprisal or intimidation, is illustrated by comparing the behavior of the mob described in the preceding chapter with that described below. It will be noted that in both instances the mob showed little intelligence or resourcefulness, relying wholly on emotion and display of violence. Mobs are nearly always crude, undiscriminating and lacking in flexibility, and they usually end in some form of violence, regardless of their original purpose. In the present case the object was merely intimidation, but when this device failed because of the refusal of the publisher to accede to their demands, intimidatory methods soon developed into reprisals. The case is described as follows.[1]

James G. Birney was a Southern man, a lawyer, and a slave-holder, who, in 1833, emancipated his slaves, and thenceforward devoted his life and energies to the anti-slavery cause. In April, 1836, he established his newspaper, the *Philanthropist*, at Cincinnati; but the public sentiment of the city was violently pro-slavery, as indeed was the almost universal public sentiment of the country, and his paper soon attracted attention, and became a definite object of popular hatred and complaint. On the 12th of July, at midnight, his office was entered by a mob, and his types and press were seriously damaged. Threats were made at the same time, that unless the publication of the paper was stopped, the assault would be repeated and the office destroyed. Some days later, on the 21st of July, a public meeting was held by the citizens, to consider whether they "would permit the publication or distribution of abolition papers in Cincinnati." The mayor of the city presided; and the meeting, a large one, deliberately resolved that nothing less than a complete abandonment of the publication of the paper would prevent a resort to violence. This meeting further proclaimed that they would use all the lawful means at their command to suppress any newspaper advocating the modern doctrine of abolition. A committee of thirteen was appointed to wait upon Mr. Birney and his associates, to request an abandonment of the publication of their paper; and to warn them that if they did not comply, the meeting would not be responsible for the consequences. On the evening of the 28th this committee of citizens (which was composed of gentlemen of large wealth and commanding social position, headed by Judge Burnett, who had formerly been a United States Senator), and the executive committee of the Ohio Antislavery Society, under whose auspices the *Philanthropist* was published, held a conference. The anti-slavery committee proposed a public discussion; but the citizens' committee would hear of nothing less than the immediate discontinuance of the *Philanthropist*, and utter silence on the subject of slavery. In case of refusal to comply with this demand, they predicted "a mob unusual in

[1] Adapted from J. W. Schuckers, *The Life and Public Services of Samuel Portland Chase*, 1874, pp. 39–40.

numbers, determined in its purposes, and desolating in its ravages." Judge Burnett expressed it as his personal opinion that the mob would consist of five thousand persons, and that two-thirds of the property-holders of the city would join it. The citizens' committee was then asked whether, if the mob could be averted, they (the committee) would be willing that the publication of the paper should go on. Several of the committee, including the chairman, promptly answered that they would not, and the anti-slavery committee was informed that it would be allowed until noon the next day to give a final answer touching the matter of the conference.

At noon the next day the eight members composing the anti-slavery executive committee announced their determination *not to comply* with the insolent and lawless demand made upon them.

This answer was decisive of the result which followed. In the evening another meeting was held by the rioters, and they resolved that the types and press belonging to the *Philanthropist* should be thrown into the streets, and its editor notified to leave the city within twenty-four hours. With the darkness of the night, the work of destruction began; the office was entered and pillaged, the types were scattered into the streets, and the press thrown into the river. The mob sought Mr. Birney; he was absent from the city, and not finding him, they turned their rage upon the humble unoffending homes of the colored people. After several hours, near midnight, the mayor advised the mob to go home; that "enough had been done, no more need be — to convince the abolitionists that the public sentiment of the city was not to be defied."

Intimidation Sometimes Fails. The above case illustrates the method of reprisals as well as that of the use of fear and intimidation. So also does the case that follows, but in a different type of situation. This case, arising out of the British suffragette agitation early in this century, would seem to indicate that the far famed English love of fair play may be less universally practiced than has been commonly believed by the rest of the world. At least the violence meted out to opponents in this English election does not support the widely heralded tradition. Here we have a large element of violence following earlier attempts at intimidation, but the intimidators were only partly successful, as the volume from which this case is taken shows. The selection follows.[1]

The Mid-Devon Elections had always been notorious for their violent character and the roughs of Newton Abbott had long been a byword in the district. Early in the campaign the speakers representing both candidates were frequently howled down and were unable to continue their meetings, and, though on the whole we fared very much better, we ourselves had some similar experiences. On one occasion some of the Conservatives had arranged to speak at a place called Bovey Tracey, but they fled away on being told that the Liberals of the town were not only preparing to break up the meetings of their opponents but had even built a cage in which to imprison them. On the same day three young members of our Union had also appeared in Bovey Tracey. They too were warned of the terrible cage, but decided to hold their meetings in spite of it. All went well and they were told by the men who met to hear them that they had no desire to injure those who trusted them, and that the cage had only been built for cowards.

[1] Adapted from E. Sylvia Pankhurst, *The Suffragette* (Sturgis and Walton, New York, 1911), pp. 182–183.

As time went on the state of the district became more and more turbulent and the great party newspapers, the London *Tribune*, *Daily News*, and others, sought to stir up the wildest and most unrestrained element in the constituency. The *Daily News* hailed with enthusiasm the formation of what was known as "League of Young Liberals," which was in reality a gang of young roughs whose first act was to push a policeman through the plate glass window of the shop which served as our Committee rooms. This and other violent acts were described by the *Daily News* as "diverting incidents with the Suffragettes," but the special correspondent of the *Daily Mail* said:

"Miss Mary Gawthorpe, who usually has no difficulty in maintaining good-humoured relations with audiences of every class, was not only compelled to hear language from some of the Newton Abbott Liberal partisans that brought a flush to her face and tears into her eyes, but had to resist by force the efforts of one man to mount the waggon from which she and several other ladies were speaking. And the most pitiful part of the business was that the language and the conduct seemed to be regarded by their perpetrators as engaging little gallantries, appropriate to be offered to a lady."

A few days later the roughs dragged the lorry in which our women were speaking round and round with such violence that it was feared that it would be overturned, and they only stopped when a little boy had been run over and trampled upon and seriously injured. Still the Liberal politicians made no protest. Mr. Buxton's reply to a newspaper correspondent who asked him what he thought of the disorder was: "You must remember that they are keen politicians down here. From the fact that Mid-Devon has had three elections within the space of four years the people have necessarily heard a great deal about politics."

So the contest went on — Liberals and Conservatives smashing up each other's meetings, howling each other down, pelting each other with vegetables from the market and snowballing each other on Dartmoor. The *Daily Telegraph* for January 10th, writing in regard to a Liberal meeting, threatened that, if the Unionists were not admitted, the building would be stormed. . . .

Intimidation by Public Officials. We now pass from cases illustrating the use of violence to induce fear and intimidation by private individuals and groups to a series of cases showing the public employment of similar methods. In all of the examples so far presented some violence has been employed in order to inspire active fear and make intimidation effective. In the next instance practically no violence was used, but a drastic form of force was threatened and with the results desired by the officials. The reader will also note the employment of other supplementary controls, partly to render the threat less unpalatable to those controlled. There is also a certain amount of indirect bribery through the use of gifts, although the attempt to induce the relief marchers to abandon their cause entirely in return for a "gift" was unsuccessful. The last paragraph shows the use of opportunistic propaganda for the governor's administrative program as a supplementary device. The case is taken from an Associated Press dispatch to the daily press and is dated from McAlester, Oklahoma.[1]

[1] From the St. Louis *Post-Dispatch*, March 12, 1935.

More than 200 miners and farmers, who have camped in the Courthouse here for four days demanding food, clothing and jobs, evacuated the building at 6 A.M. today on an ultimatum from Sheriff H. H. Sherill to leave or be driven out with tear gas bombs. Deputies escorted them to the city limits.

The hungry men, women and children, who refused to leave last night, offered no resistance when Sheriff Sherill, accompanied by Police Chief Tom Adams and a group of deputies, appeared at the Courthouse about 5 A.M. and gave them an hour in which to depart. They had spent the night in praying and singing religious songs, led by Mrs. Viola Watson.

Any who appeared sullen and unruly were prodded with nightsticks, but there was no disturbance and by the time 6 A.M. came the building was emptied.

Sheriff Sherill gave leaders of the group his personal check for $100 to purchase food. He said the money was a "donation — not a bribe to leave."

Mayor Bryan Burton of Krebs, home of many of the "hunger marchers," who gave $10 to buy food for the Courthouse campers yesterday, told them they could go to the Krebs City Hall to cook their food.

A. L. Swinney, leader of the jobless group, said the offer would be accepted and that a mass meeting of unemployed in the coal-mining district would be held at Krebs tonight.

A large quantity of food, offered as the personal gift of Gov. E. W. Marland, was rejected by the "hunger marchers" last night. It had been brought here in two trucks from Oklahoma City, the State capital. The food was offered on condition that the crowd disperse and disband.

A committee of the jobless called on Gov. Marland at Oklahoma City yesterday, but he told them he was powerless to help them unless the Legislature enacts his recovery measures.

Concerted Attempts at Intimidation. Another case, again from a situation in the United States, will illustrate a more aggressive use of fear and intimidation as a form of social control, but not with such extreme measures as have been employed in the countries of Europe ruled by dictatorships. Even if the language of the editorial writer is somewhat vigorous and passionate, his analysis of the various devices used for achieving the end in view is graphic and clear.[1]

California is at present engaging in an anti-Red campaign worthy of the worst days of Palmerism just after the Great War. The reactionary employers in that sun-kissed land evidently believe that labor is on the defensive and that now is the time for a crushing attack. Radical union members are being arrested en masse. If they are aliens, or, in fact, if they cannot prove that they are native Americans, every possible effort is made to have them deported, and in these efforts Department of Labor officials appear to be cooperating gleefully and to the fullest extent. If the workers can prove their citizenship, they are being convicted on other charges. The police claim that many union members have previous records for burglary, robbery or violation of the "gun or poison" laws. Anyone experienced in labor matters knows that most of these police charges are probably false, and particularly when leveled against genuine radicals. If a union organizer has a police record, the chances are at least ten to one that his previous arrests have been only in connection

[1] Editorial, "Terrorism," *The New Republic*, LXXIX : 305–306 (August 1, 1934).

with labor disputes. Nevertheless, as the San Francisco correspondent of The New York *Times* remarks, "the judges almost automatically sentence any prisoner with a police record to a jail term."

Those who can prove they are Americans, and for whom it seems unwise to fake a record of previous arrest, are held on charges of "vagrancy" or "disturbing the peace." There is a special classification of "thousand-dollar vagrants" — persons who are required to put up $1,000 cash bail, and sometimes a $2,000 bond as well. Naturally, professional bondsmen, who are largely petty racketeers operating in connivance with the police, will not come to the rescue of individuals whom the authorities want to keep in jail; and in nearly every case, these "thousand-dollar vagrants" are kept behind the bars, in actual if not in technical violation of their constitutional rights. Police judges help on the good work by handing out ninety-day sentences wholesale, the happy plan being to break strikes and strike sentiment by putting away all possible leaders for that period of time.

Another weapon now being used is California's notorious criminal-syndicalism law. Contrary to popular impression, this law is still on the statute books and makes it a penitentiary offense to be a member of any organization advocating overthrow of the government by violence. The chief reasons it is not used more often are, first, that juries are reluctant to convict under it, second, that such trials are expensive, and third, that the police are forced to reveal the names of their spies, who must come forward to testify. However, a number of arrests have recently been made under this disgraceful law.

Another device widely used is mass action by the vigilantes. . . . These gentry descend upon radicals' meeting places, the offices of workers' newspapers, etc., and do as much damage as possible. They smash furniture and office machines, destroy records and beat up any radicals they can capture. While some of these vigilantes may be persons of a Ku Klux turn of mind, there is little doubt that most of them are thugs hired by the employers or police operating in plain clothes.

Meanwhile, all the other customary methods of mass action against the workers are used. The San Francisco authorities announce that they will cut off relief from the families of strikers, in direct violation of the policy of the federal government, which is that no family shall be allowed to starve, regardless of the participation of any member in an industrial dispute. The wave of anti-Red agitation has spread into the California agricultural regions where so much trouble has been seen in recent months. Well known strike leaders are being arrested wholesale, or "run out of the county" by mobs. The procedure in dealing with union leaders is like the machinery by which California oranges are graded, rolling down an inclined plane with holes in it through which fruit of various sizes drops into separate compartments: if the authorities are unable to get a "trouble maker" for one reason, or in one way, they get him in another. Under the circumstances, it is amazing that there has been so little retaliatory violence by the workers. Their restraint under the most outrageous persecution is a monument to their intelligence and discipline.

Will these tactics have their desired effect? Will all radicalism be crushed, all militant trade unionism be emasculated, and California left to stew in her own petty-bourgeois juice, with the open shop and starvation wages? While this is possible, in our judgment the chances are strongly against it. Recent European experience has shown that a radical working class can in fact be crushed and broken, but only by out-and-out Fascism which is prepared to go in for mass murder on a large scale and without the slightest compunction. We doubt whether the California Tories are sufficiently ruthless and cold-blooded to go through with such a

program, and we question whether the rest of the country would permit such a thing even if it were tried. We must not forget that these proud Californians, disciples of rugged individualism, are largely living off federal charity. Money from Washington is building the giant bridges on which San Francisco business so desperately depends at present. Federal relief money is helping to ward off the starvation that the Industrial Association has been powerless to prevent. The very steamship lines that have refused collective bargaining to their workers crawl on their knees before the federal authorities in Washington, professing that they cannot survive without fat federal subsidies. The Roosevelt administration is in a position to put on the screws in California if it will.

And even beyond this, we doubt whether California labor can be coerced and smashed as the Industrial Association and its friends would like. After all, the number of alien radicals among the strikers is negligible, and even if they were all deported, the unions could still carry on. The capitalists cannot put every worker in jail, or their own processes would stop. What is being tried now has already been tried many times and in many other places; and with the exception already noted, of ruthless fascist dictatorship, it has never worked except temporarily and on a small scale. We do not believe it will work in California, even in the hands of such a merciless group of un-American Tories as now control that state.

Official Terrorization. The next case, also illustrating the use of fear and intimidation supported by more or less brutality and violence, shows much less mildness in the handling of the victims. It is the story of the treatment of a group of 43 pupils of the agricultural school at Wolzig, Germany, by the Nazis when they took over the German government in 1933. The writer was one of the students in the school. This case illustrates a few of the various methods used by the Nazis in their program of terrorizing Germany in order to prevent resistance and reprisals from the opposition.[1]

About the middle of May some S. A. men from the village came to inspect the school. They soon decided that it would do nicely for quartering voluntary labor contingents. Nothing happened till June 20. I got up that morning at about 5.30 and went to feed the chickens. When I reached the house again I saw all my fellow pupils and the staff standing in a line in front of a group of S. A. men. I was roughly told to line up too, and we were forced to climb into four lorries that the Nazis had brought to the door. We had to leave all our belongings behind. If we did not hurry to get into the lorries we were beaten with iron and hard-rubber cudgels. Then the S. A. leaders started off in their motor-cars while we followed in the lorries, each of which was armed with a machine gun. We were packed tight, thirty S. A. men and ten of us in each lorry. The S. A. men came from Berlin and belonged to three detachments of the Starkow troop. They were all heavily armed.

After an hour's drive we reached the Adolf Hitler Haus in the Voss-strasse in Berlin, where we had to wait for about three hours. We were not allowed to get out of the lorries and a crowd collected round us. The S. A. men told everybody to look at us well, as we were Jews and our fathers had robbed Germany of all its money since the War. When the people heard that they jeered at us, but we were beaten if we tried to reply to them.

[1] Adapted from *The London Times* as reproduced in *The Living Age*, November, 1933, pp. 210–213.

At last the lorries moved off again and we were taken to the concentration camp at Oranienburg, about half an hour's drive from Berlin. We arrived at a building that had formerly been a power plant, and were told to get out. For about three hours we had to stand upright in a line in front of the door before they let us in; if anyone tried to sit down he was beaten. After that we were taken upstairs to a room where one S. A. man took our photographs in three positions, another took our fingerprints, a third removed everything from our pockets, and a fourth wrote down a description of each of us. Next we were shown a pile of straw and told to take as much of it as we need for bedding. We then went into a large hall, which we were told was the place where in future we would sleep, eat, and generally live. Each was given a small cup of coffee and a piece of black bread, our first food for the day, and told to be careful not to complain.

Next day the camp routine began for us. We had to get up at five in the morning and do two hours' drill and military training. This consisted in instruction in handling rifles, in taking cover during air raids, in preparing to meet gas attacks, and in drill of every kind. Then came breakfast — a cup of coffee and two slices of black bread with jam. Manual work occupied us until twelve, when we had a pint of watery soup mixed with beans. On Sundays rice was added and, if you were lucky, you were given a slice of bread too. Work continued until late in the day, and there were two more hours of military training under the supervision of discharged soldiers who had enrolled as S. A. men. We were then given another cup of coffee with some more bread, and finally went to bed on our heaps of straw. The youngest of us, Manfred Benjamin, aged only 13, received the same treatment as the others and spent most of the time in tears.

Soon after my arrival a Nazi asked me if I could use a typewriter. I replied that I could, and he took me to the commandant of the camp, Captain Krüger, who gave me a job in the office. Here I learned something about how the camp was run and had a chance to talk to some of the prominent prisoners, such as the managing director of the German Broadcasting Company and the mayors of several of the smaller towns. I found there were about 2,500 prisoners in the camp, of whom only 5 per cent were Jews. The rest were Communists, Social Democrats, and other political enemies of Hitlerism. On August 18 about 102 S. A. men who had been 'lazy' were brought in for punishment. They underwent the same treatment as the others, except that they were not beaten. The routine was much the same for all the prisoners, although the Jews were made to keep to themselves and had to live in an enclosure about 25 yards square at one end of the camp. Prominent prisoners were punished more often than the others but everybody had his full share of beating, especially when the Nazis came back late in the evening from the neighboring beer saloon. Then they would come into the great hall and beat some of the prisoners savagely. They would also scrub them brutally all over with black boot polish and come back the next day to see if it had been washed off yet. If not, they scrubbed the prisoners again. In the whole camp there were only four closets and one hydrant for washing.

The camp was surrounded by a barbed-wire fence of seven ordinary strands and an electric live wire. We were warned not to go near it by red flags placed about five yards from it all along. The camp garrison consisted of about 300 men, divided into two watches, one of which was always on duty. Twenty men were posted on the roof of the main building with machine guns, and twenty more stood round it. Others were on guard at various places inside and outside the camp. There was no chance of escaping. At night the camp was lit by searchlights, and guards would come into the hall where we slept and flash torches on the prisoners.

My work in the office was to keep accounts, typewrite messages, and take fingerprints. I discovered that the camp had belonged at first only to the Nazis and had been taken over by the Government on April 22. Every prisoner was kept for a minimum of eight weeks and few had been released. They were all made to exchange every penny they had for camp money on their arrival and to pay 2.50 marks a day for their keep; the state provided 1.50 marks a day. In practice, the S. A. men pocketed all the money, as they sent out detachments to commandeer everything that was needed in the camp from the country round and entered up false accounts in the camp books. As for other personal belongings, these were put in a sack and divided among the S. A. men every week. When prominent prisoners arrived they were questioned. The commandant asked them where papers or weapons belonging to Communists were hidden and ordered them to answer quickly if they did not want to be 'helped.' 'Help' meant beating. When Herr Braun, of the Broadcasting Company, came down from the commandant's room he had had such a bad time that his eyes were closed and he could hardly see. One of us boys asked him if he would like some water to bathe his eyes, but he answered that he was afraid we should only get into trouble if we did anything for him and, in any case, he had 'finished with life.'

The posts were controlled by two S. A. officers, who opened all the letters that arrived in the camp and carefully censored them. Prisoners were never allowed to seal their own envelopes but had to hand their letters open to S. A. men. Once a week they might receive parcels weighing up to eleven pounds, which were usually not intercepted. On Sundays from 2 to 4 P.M. they could be visited by their relations, who might bring them presents; these, of course, were controlled. When it was reported that 'foreign aëroplanes had flown over Berlin,' the commandant called us together and told us that as a punishment we should receive no visits for three weeks, no letters for one week, and no lunch for two days.

The camp guard was made up of S. A. men, common people of the lowest kind. They get one mark for a full day's work and are given their board and lodging free. Every Monday they did military training with the *Reichswehr* in a little forest near the camp. The commandant and the higher commanders were S. S. (*Schutzstaffel*) men; these were enrolled from the upper classes and the old nobility and form the bodyguard of the Nazi leaders. They are better armed, and when the S. A. men are slack they stir them up. The result is that S. S. and S. A. men hate one another; when the S. S. came to inspect the camp they would generally quarrel with the S. A. guard. If both were drunk, as often happened, and had tired of beating prisoners they would fight among themselves.

The prominent prisoners included many members of the Reichstag and of the Landtag. Dr. Ludwig Levy, the state attorney of Potsdam, and the managing director of the Berlin Traffic Company had both been arrested in March and kept in the camp ever since. Well-known people like these were beaten every day and frequently deprived of lunch and visits. Two men committed suicide while I was there: Hermann Hagendorf, of Anhalt, who cut the veins of his wrist, and Walter Klausch, who hanged himself with his belt. Most of the prisoners dared not say a word after they had been beaten, but all night you could hear them groaning. When they were released they all had to sign two papers — a white one saying that the living conditions in the camp were good, and a blue one by which they promised to be good citizens in the future.

The camp was run according to the whim of the commandant. Orders received in the office from outside authorities were mainly telegraphic messages telling the S. A. men where to look for arms and papers belonging to Communists.

At last, on August 22, the commandant decided to release us boys, who had only been arrested because the Government had no cheaper way of providing for us after they had taken over our school. He came at about 10.30 P.M. and told us we had two minutes to leave the camp; if we were not gone by that time we should never be let out at all. We went as fast as we could down the road to Berlin, and passed the night under a hedge about five miles from the camp.

Peter the Great's Method. One of the most effective manipulators of fear and intimidation as a method of social control was undoubtedly Peter the Great of Russia. This method was traditional among the ruling classes of Russia and was therefore accepted as a matter of course by both the Tsar and his subjects. Perhaps more refined and humane methods of control would have been ineffective in dealing with the barbarism that characterized Russia at the period here indicated. Yet it is equally clear that Peter's methods were far from being completely successful. If Peter had been himself more civilized he might have found it possible to reform Russia with more satisfaction to himself and to his subjects. But, however that may be, the selection which follows illustrates a combination of control techniques relying mainly upon force and violence whose purpose was primarily to produce a condition of terrorization analogous to that which results from a severe regime of pacification such as was described in the part of Chapter V dealing with Cromwell's exploits in Ireland. The author quoted in this case says,[1]

Peter's reign was a reign of terror, as Cromwell's had been, as Robespierre's was to be, but with a special stamp of savagery of its own, derived from his Asiatic origin. . . . The whole system was a part of the national tradition. The Russian proverb, 'The knout is no angel, but it teaches men to tell the truth,' contains at once its sanction and its apology. Of that fact Peter was deeply convinced. He was himself the most eager of inquisitors, delighting in the monstrous art, drawing up manuscript notes for the conduct of examinations, in which he frequently took a personal share, watching the smallest details, laying stress on every word, spying the slightest gesture. He caused a private jeweller, suspected of misappropriation, to be brought to his palace for examination. Twice over, for an hour each time, he put him to the combined tortures of the strappado and the knout, and he cheerfully related all the grisly incidents of the business to the Duke of Holstein, that very evening. With an army of spies and detectives already at his beck and call, he would personally supplement their efforts, listening behind doors, and moving about amongst the tables during banquets, when enforced libations had heated men's heads, and loosened their tongues. He would set men to watch and supervise those officials, civil or military, who were stationed too far from him to be under his personal eye. He corresponded with these spies, and gave them very extensive powers. Field-Marshal Sheremetief, who was employed to put down a revolt in Astrakhan, was thus watched by a sergeant of the guard, Shtchépotief. Baron

[1] Adapted from K. Waliszewski, *Peter the Great* (D. Appleton and Co., New York, 1900), pp. 176–185.

Von Schleinitz, the Tsar's minister in Paris, was spied on by one of his own copying clerks, named Iourine. . . .

A contemporary memoir writer describes a single year of the great Russian reign, as being hardly more than an enumeration of tortures and executions. The arrest of one culprit brought about the arrest of ten, twenty, or even a hundred more. The man was first of all put to the torture, to force him to give the names of his accomplices, which names he gave, not unfrequently, at random. When his memory failed him, a sort of coarse canvas hood was put over his head, and he was led through the streets, in search of passers-by, whom he might point out to the officers of justice. Then a shout would rise, more terrible even than the call of 'fire,' and the most populous quarters straightway become a desert. 'The tongue, the tongue,' thus the populace designated the involuntary, but generally docile, instrument of this hunt for culprits, and forthwith there was a general *sauve qui peut*. Secret accusations were of common occurrence. A series of ukases provided for them, offering encouragement and bounties to informers, and threatening any persons knowing anything affecting the safety of the Tsar or of the empire, who hesitated to come forward, with the most terrible chastisements. The usual bounty was a sum of six roubles, but in special circumstances, it rose much higher. In 1722, ten bags, each containing 100 roubles, were laid, with a lantern beside them in one of the Moscow squares. The contents, according to an announcement, placed on the same spot, were to belong to any person who should give information as to the author of a pamphlet against the Tsar, which had been found in one of the churches within the Kreml. The informer was further promised a gift of land, and a post in the public service. Any man who chose to pronounce the time-honoured formula, *Slovo i dielo* (literally 'word and action'), and thus to affirm his knowledge or suspicion of any act punishable by the secret police, could call for a criminal enquiry. And a very small thing, an imprudent word or even less, was held to justify suspicion. A peasant was put to the torture, and condemned to hard labour for life, for having, when in a state of intoxication, done obeisance to the Tsar 'in an unusual manner.' Another shared his fate for not having been aware that the Tsar had assumed the title of Emperor. A priest who had spoken of the sovereign's illness, and had appeared to admit the possibility of his death, was sent as a convict to Siberia. A woman found letters, traced by an unknown hand, and in an unknown tongue, on a barrel of beer in her own cellar. She was examined, could give no explanation, and died under the knout. Another woman's screams and wild convulsions disturbed the service in church. She was blind, and probably epileptic, but there was just a chance that she might have deliberately attempted to cause scandal. She was put to the question. A tipsy student who had spoken some unseemly words, was given thirty lashes with the knout; his nostrils were torn out, and he was sent to hard labour for life. I quote from official documents, from the minutes of the Russian Star Chamber. . . .

This severity lasted till the end of his reign. How came it to have been so long patiently endured? Surely because it corresponded with the national customs. The whole nation was a party to it. There was no public sentiment of dislike to the person or the act of an informer. A century and a half later, this condition of mind remained almost unchanged. The most popular lines, probably, of the most popular of all national poets, describe a Cossack's ride across the Steppes, to carry an accusation to the Tsar.

A special characteristic of the great Reformer's methods is his incessant use of threats. When Nieploief, his Resident at Constantinople, was taking his final leave, he addressed him by the name of Father. The Tsar interrupted him, "A

father I will be to thee if thy conduct is good — if not, I will be thy merciless judge!" He ordered General Repnin to prevent wood, sent from Poland, from being admitted into Riga, adding, "If a single faggot gets through, I swear by God, thy head shall be cut off!" And this was no empty threat. When he wrote to his friend Vinnius, in 1696, in reference to a careless correspondent, "Tell him I will lay what he fails to put on paper on his own back," we feel he used no figure of speech. He would often send for officials, high and low, with whom he had to find fault, into his cabinet, and would there indicate his displeasure by a sound drubbing with his *doubina*. . . .

The Tsar's irascibility, and habitual fits of rage, certainly had something to do with these summary chastisements, but they were also the outcome of a certain deliberate system. Coming one day, unexpectedly, into a naval captain's cabin, Peter noticed an open book, which the officer vainly endeavoured to conceal. Glancing at the page, he read the following aphorism aloud: 'Russia is like a cod-fish; unless you beat it constantly, you can do nothing with it.' The Tsar smiled, and departed, saying, 'That is well! The books you read are useful books. You shall be promoted!'

The *doubina*, as I have said, was kept for those he loved, and would fain spare; the rest had to do with a very different form of the judicial power. Uniformity of punishment is one of the chief characteristics of the criminal legislation of that period. The legislator never measured his severity by the degree of culpability inherent to the crimes to be suppressed — all he thought of was his personal interest in their repression. Now as this interest, which was also the interest of the State, admitted of no gradation, neither did the punishments to be inflicted admit of any. The civil ukases and regulations were just as ferocious as those applied to military matters. Death to the soldier marching to the assault, who shall give vent to 'wild cries,' or stop to pick up a wounded man, 'even his own father.' Death to the office clerk, who should not complete a given piece of work within the time the law prescribed. Death, in almost every imaginable case.

Towards the end of the reign, the mutual dread and distrust had grown so universal, that life in the Tsar's immediate circle was really intolerable. He watched every one, and every one watched him, and watched his neighbour, with anxious and suspicious eyes. He concealed his smallest plans, and every one else did the same. Every business matter, whether diplomatic or other, was shrouded in impenetrable mystery. Conversation was carried on in whispers; correspondence was crammed with ambiguous terms. At a gathering in the house of Prince Dolgorouki, in February 1723, Ostermann addressed Campredon, and drew him gradually and cautiously into a window. He had a message for him, he said, for the Tsar. Campredon was all ears, when, suddenly, the expected disclosure died on the Chancellor's lips, and he would utter nothing but commonplaces. A third party had, as he fancied, drawn too near them. Then came the Tsar himself. He made the French Minister sit familiarly beside him, and lavished compliments upon him. But when the envoy tried to come to the point, he pretended not to hear him, drowned his voice with noisy exclamations, and then left him, whispering the words, 'I will give orders to have terms arranged with you.' All this fuss was over the marriage of the Grand Duchess Elizabeth with the Duke de Chartres; and the first appointment to talk the matter over, made subsequently by Ostermann with Campredon, was fixed for six o'clock in the morning, as being more likely to escape observation.

Two years before, in the midst of the negotiations begun in December 1721, to guarantee his own succession, the Tsar's interviews with Campredon had taken

place in the house of Jagoujinski, and without Ostermann's knowledge. The first thing Peter then demanded, was to be enlightened on a point which was of the utmost importance to himself, but which had no relation whatsoever to the subject under discussion. He had, it would appear, during his visit to Paris, begun, and personally carried on, some other negotiations, the secret of which had been betrayed. How and by whom? Campredon was desired to send a courier to the Regent, with orders to bring back a prompt reply to these questions. The Regent, according to his wont, carefully sent the despatch on to the King of England, who, quite unmoved, wrote on the margin, 'All this convinces me that the Tsar's ministers, who are endeavouring to destroy each other, have found means to inspire him with suspicions as to some of their number, and that he is dying to find a pretext to have them impaled as soon as possible. I believe this to be the sole reason for his curiosity.' And further on he writes, 'This confirms me in my conviction that the Tsar desires to impale somebody.'

It is a curious fact, that all the rigorous penalties by which the implacable ruler endeavoured to enforce that universal service, which he desired to impose, on his subjects, did not succeed in preventing numerous and constantly increasing desertions. In vain did he answer these by increased severity. A regulation of the War Department, dated 1712, decreed the use of the brand for military recruits, as well as for convicts.

Intimidation Used to Prevent Protests. A very common method of discouraging protests against treatment which is regarded as unjust is to punish the protester or to add severity to his ordinary penalties. This sort of device is used in a great many situations. "Troublesome" workers who attempt by means of complaints to force a factory to carry out legal requirements regarding working conditions; soldiers or sailors who protest against unjust or brutal treatment by their superiors; children who complain of unfair or dominating behavior on the part of older boys on the playground or in school; and prisoners who demand consideration guaranteed them by the prison rules and regulations, as well as "chronic sore heads who are never satisfied with any sort of treatment," are among the types of persons who may suffer retaliative intimidation of the kind here mentioned. Punishment in such cases is usually expected not only to lessen complaints by active protesters, but also to discourage others from making such complaints. In a previous chapter an illustration of how a German war prison commander slapped the faces of protesters was cited. In the passage below will be found a somewhat similar example of official intimidation of civil prisoners, taken from a work already cited in another connection.[1]

Another instance of Mr. Du Plessis' system was afforded by the case of an old schoolmaster, an Englishman named Grant. He had been a teacher upon the farm of a Boer near Pretoria. Through some difference with his employer he was dismissed. . . . From the evidence given in the case in which he subsequently figured it appeared that in order to urge his grievance he returned to the Boer's farm and

[1] From J. P. Fitzpatrick, *The Transvaal from Within* (William Heinemann, London, 1899), pp. 266–268.

even re-entered the house which he had formerly occupied. He was arrested and charged with trespass, or threatening to molest his late employer and members of his family, and was bound over to keep the peace for six months and to find 50 pounds surety for the same, failing which he should go to gaol for that period. . . . Having been sent to gaol, however, because he could not deposit 50 pounds, Grant was treated as the commonest malefactor in all respects but one — he was allowed to retain his own clothing. The unfortunate old man made a pathetic picture with his seedy clothes, tail coat, tall white hat, and worn gloves, which he punctiliously wore whenever called upon to face the authorities — and it happened rather frequently. He objected to being classed and herded with the thieves and murderers and others whose crimes were even more repulsive. He protested against the class of food that was served to him. For these remonstrances he at first received solitary confinement and even poorer diet; and later with a brutality which one can surely only find in a Du Plessis the unfortunate old man was placed in the Kaffir stocks, thrown out in the middle of the yard that he might be humiliated in the sight of all, and kept there in the fierce heat of a tropical sun for half a day. The sole excuse for this was that he had been unruly in protesting against the treatment which he was receiving. The spectacle excited the pity of the Reform prisoners to such an extent that even with the certainty of an insulting rebuff from the gaoler they endeavoured to represent the man's case so as to have him released, but without success.

Intimidation Often Results in Corruption. Another case, dealing with Russia in war time, shows this fear and intimidation operative in full force as a control; but this case also illustrates another condition which frequently accompanies the employment of this and other controls resting ultimately upon violence and exploitation. Here we find bribery for the purpose of exemption from the conditions of the control and corruption on the part of the public officials. Governments that rely upon force are nearly always conducted on a low moral plane and are but little attentive to the social and economic needs of the people. The Russian government of the Tsar was notorious for its permeation with corruption and dishonesty in the days of Nicholas II, as well as in the times of Peter the Great. In this case the officials not only betray their own government and the interests of the people, but they are also dishonest with those from whom they have received bribes.[1]

The Russia of melodrama and of the English popular magazines still exists. I remember seeing some prisoners on the platform of a station where our train stopped. They were huddled between the tracks: two or three young stupid-looking *mujiks* with cropped heads, a bent old man half-blind, a Jew or so, and some women, one a mere girl with a baby. Around them was a ring of police with bared swords.

"Where are they going?" I asked the conductor.

"Siberia," he whispered out of the corner of his mouth.

"What have they done?"

"Don't ask questions," he snapped nervously. "If you ask questions in Russia *that* is what happens to you!"

[1] Adapted from John Reed, *The War in Eastern Europe* (Charles Scribner's Sons, New York, 1916), pp. 194–199.

There were some preposterous war regulations in Petrograd. If you spoke German over the telephone you were subject to a fine of three thousand roubles, and if you were heard talking German on the street the penalty was Siberia. I have it on very good authority that two professors of Oriental languages were walking down the Morskaia, speaking ancient Armenian to each other. They were arrested, and the police swore that it was German. And from that day to this they have never again been heard of.

In spite of this, however, the fact remains that any German with money could go on living in Petrograd or Moscow, and manifest his patriotism in any way he pleased. For instance, the dinner in the city's most fashionable hotel during November, 1914, at which German songs were chanted, addresses in German delivered which consigned the Tsar and his allies to purgatory, and shouts of "Hoch der Kaiser!" rent the air. Nothing whatever was done about this; but six months later the police determined to teach them a lesson without appearing at all prominent — which would have cut off their German revenues. Quantities of vodka were dug up from somewhere, the ikons taken from the churches, and, encouraged by the police, the mob started out to wreck German houses, shops, and hotels. . . .

How the Germans were finally removed from Moscow, is another characteristic tale of Russian methods. Did they banish them? Did they put them in detention camps? No. The police let it privately be known that if the Moscow Germans wished to leave Russia, there was a means. In Moscow, they said, it was impossible for a German to get a passport to return to his own country; but if he would go to the government of Perm, on the edge of Siberia at the base of the Ural Mountains, he could there apply for a passport and be allowed to leave. Hundreds of Germans took the hint and crowded the trains that went in the direction of Perm. They are still there.

There are four distinct sets of Russian secret police, and their main job is to supervise the regular police and to spy upon each other, besides the *dvorniks*, who act as *concierges* at your front door, and are all members of the government detective force. In times like the present, particularly, a mere suspicion is enough to send you to a military court martial unless you have influence, or to spirit you away to Siberia.

Intimidation as a Method of Preventing Revolution. Naturally despotic governments are very desirous of preventing revolutions and not infrequently they take extreme precautions in this direction, making free use of fear and intimidation. The methods of prevention advocated in the selection that follows have been extensively adopted since the time the advice was written. The development of large standing armies and of machine guns and gas bombs have also contributed in recent decades to the making of revolutions more difficult — some would say impossible. However that may be, the following case will serve to illustrate one of the early proposals to use fear and intimidation for this end.[1]

On all sides the call to arms was raised, and barricades were thrown up. The malefactors began their work, some of the barriers were delivered to the flames, and edifices to devastation.

[1] From Lucien de la Hodde, *History of the Secret Societies of France*, 1856, pp. 110–111.

Thus was three-fourths of the capital invaded; and this surprising result, we must repeat it, was the work of but a few hours. And why? Merely because of an excessive confidence on the part of the government. The revolt, it was believed, would be suppressed under any circumstances, and the troops were held in reserve instead of being deployed at once.

Had the 24,000 men of the garrison been posted in the streets in the morning, a strong column stationed at the Bastile, where it was known the first explosion would take place, and vigorous instructions given to the officers, nothing more would have been necessary for cutting short the barricades, the disarmament of posts, the carrying off of arms and munitions, and, in short, in putting an end to the insurrection itself.

But experience in this respect is at last acquired, we should hope. If not, we may repeat, and re-repeat even to satiety, that our successful revolts are only the result of surprise, and that every government which will guard against being surprised, will have the advantage over the revolutionists. It is true that the concentration of troops, the measures of the police, the arrests in mass of demagogic chiefs, and especially the deployment of a considerable force at the first symptom of the revolt — all this would raise a great outcry, and give rise to a great deal of fine eloquence. But let it be so; the cries will be lost in the air; Paris will not have to wade in blood, and a band of reprobates could no longer have the liberty to plunge France periodically into a state of anarchy.

We shall be told that we are preaching despotism; but in fact we merely preach respect for that object which of all others in the world is the most deserving of it, viz.: the legitimate personification of a people. That a government may have faults, and, indeed, numerous ones, is very evident; but that under the pretence of these faults which are often involuntary and almost always remediable, a handful of worthless men should suddenly rise up against the government, overthrow it, and establish one of their own in its place without forewarning or even consulting the country of which they form but an insignificant portion — that worthless men should be permitted to do this, is utterly intolerable, and ought to be stopped on every consideration. And it can be stopped by very simple means; all that is needed is a constant vigilance, a repressive force always at hand, and then a rapid and vigorous attack in mass upon the enemy the moment that he shows himself.

In this manner a government may maintain itself within national limits, pursue a course of moderation, without either haste or stubbornness, and thus escape one of those lamentable falls by which authority among us has become so grievously disparaged.

International Bluffing. Governments as well as individuals may use threats in order to secure their ends through fear and intimidation, as the recent international policies of Hitler and Mussolini bear witness. While the Nazi military policy in Germany may possibly be regarded as dictated in part by fear of the allies and in part by resentment which has led to an attempt at reprisals, the threat element is clearly evident. The following emphatic editorial quoted from the St. Louis *Post-Dispatch* indicates a complex of control factors, most of which center around retaliation and reprisals, all perhaps expressing fear and all aiming at intimidation. It illustrates the famous Nazi policy of "bluff," which has intimidated west European powers so successfully now for some

years. Nazi Germany, Fascist Italy, and Imperialistic Japan have made a speciality of bluffing other less militaristic peoples and have developed very effective techniques toward that end. So successful have they been in this policy of inspiring fear through silent or swagger threats that England and France have apparently preferred national humiliation to frankly and boldly "calling the bluffs." Since the editorial reproduced below was printed, England and France have yielded repeatedly to the war threats of Hitler and have forced dismemberment upon their ally, Czechoslovakia, in order to save themselves from the dangers of immediate war. In the historic diplomatic negotiations of September, 1938, Hitler obtained all the Czechoslovakian territory that he demanded, even at the risk of the future dismemberment of the British Empire. As a member of the French diplomatic corps is reported to have stated it, Hitler intimidated Chamberlain, Chamberlain intimidated France, and France was expected to intimidate Czechoslovakia in turn. The English First Lord of the Admiralty, Alfred Duff Cooper, who resigned his post in protest, probably stated the situation correctly when he declared that Chamberlain "had surrendered to Hitler's 'bluster and blackmail.'"[1] The editorial referred to above follows.[2]

Why the Nazis are a growing menace to world peace is shown again by their controversy with the Spanish loyalists. When a nation resorts to force and reprisals instead of using the law of nations, it cannot be viewed as other than a trouble-maker.

If the German freighter Palos carried contraband for the rebels, as charged, then Government forces were justified, under international law, in seizing its cargo. Germany contends that the goods were not contraband. Then the issue becomes one to be settled by an international tribunal, or by negotiation.

Instead, the Nazis resort to reprisals. They have halted three Spanish vessels, with no conceivable legal justification. Their actions thus become no better than piracy. The fiery Basques, who hold the cargo of the Palos, are showing no disposition to back down before the Nazi aggression. The Valencia Government as well insists on the right of Spanish ships to come and go without molestation, and joins in refusal to surrender.

The reason for Germany's bullying attitude lies in the fanatical nationalism which Nazi leaders preach and implant in the people. Even if they were proved wholly in the wrong in the Palos incident, the Nazis could not make amends without losing face. Because their prestige depends on showing an unyielding attitude, the Nazi leaders continue their lawless course.

Other European nations realize the vast potential dangers in the Spanish war, and are working energetically to prevent international complications. Their task is made trebly difficult by the hoodlum's tactics adopted by Nazi Germany.

England's Paralysis. England in particular has lost much of her international prestige as the result of her non-resistance to covert threats and bluffing and cynical aggressions on the part of Germany and Italy,

[1] See *News-Week*, Oct. 10, 1938, p. 18; also *ibid.*, Oct. 3, 1938.
[2] From the St. Louis *Post-Dispatch*, Jan. 6, 1937.

in connection with Ethiopia, Spain, and the Czechs, and her adoption of an appeasement policy toward Germany. Many persons have confessed themselves to be greatly puzzled by the temporizing and inactive behavior of England in the face of almost contemptuous aggressions and disregard of diplomatic agreements on the part of the two Fascistic states. Bertrand Russell offers an explanation of the British passivity in the following excerpt from an article in the *Coronet,* in terms of fear and intimidation.[1]

Great Britain, ever since the end of the war, has been impotent in regard to all the major questions that have arisen in international affairs. The causes of the British Government's inability to realize its purposes are, I think, two: that new methods of warfare have made the traditional maxims of British statecraft obsolete; and that in the minds of all parties in England there have been conflicts which have prevented clear thinking and vigorous action.

The most resounding example of British impotence has been in regard to Ethiopia. Failure was due to several causes. Most important was French friendship for Italy. Next was the fact that the British Government, while talking in terms of the League and the Covenant, was obviously open to a bargain at the expense of Ethiopia. A third reason was British unwillingness to fight, which itself has a two-fold cause: on the one hand, experts were not sure that battleships could survive attacks from the air; on the other hand, the sentiment in favor of the League of Nations is a pacifist sentiment, which became confused when it found that economic sanctions were insufficient.

Since the failure of the Spanish Armada in 1588, the English have considered themselves invulnerable at home, but now they have suddenly become exceptionally vulnerable. The damage that can be done from the air increases with the density of the population, and England is more densely populated than Germany, and much more than France. Either France or Germany could, at the very beginning of war, kill many of the inhabitants of London and very likely reduce the remainder to a state of blind panic.

Although the gravity of these facts is minimized in official pronouncements, enough has penetrated to the mass of the people to cause a widespread and very profound aversion for war. Quite naturally, and not insincerely, this takes the form of pacifism; those who dislike war on principle get a much readier hearing than in former times. No candidate for Parliament, even if he is a high Tory, dare avow warlike sentiments. Imperialism has to be camouflaged as support for the League of Nations; but even under this disguise, it cannot succeed, owing to the desire to avoid war.

With this desire, intense as it is, goes a fatalistic belief that war will, nevertheless, occur, and occur soon. No one ventures to predict what the issue will be, or even on which side Britain will fight; but few people contemplate neutrality as a possible policy. . . . The pessimistic mood which prevails in England seems to me — though I say this with some hesitation — to be due to a kind of paralysis brought on by fear.

Attempts to Discourage International Intimidation. The policy of national threats expressed through military demonstrations and naval

[1] From the *Coronet* as reprinted in the St. Louis *Post-Dispatch*, Feb. 12, 1937. Copyright by Coronet-Esquire, Inc. Reproduced by permission.

reviews, although commonly used, is not carried out without criticism on the part of those who favor peace. In fact, these advocates of peace claim that such demonstrations serve as an incitement to war. The Associated Press dispatch quoted below illustrates the employment of ridicule as a method of discouraging such threats or acts of international bullying.[1]

The cruise of the United States fleet to New York was denounced by the Rev. John Haynes Holmes yesterday as "a barbarian orgy to frighten the world and flatter our silly pride."

"The time is coming," he said, "if humanity survives that long, when a warship will be regarded as horrible an instrument of savagery as the medieval machines of torture."

Speaking of the President of the United States reviewing the fleet on its arrival Thursday, he said: "History will look back upon an American President reviewing the navy as it now looks back upon a Roman Emperor presiding at the ancient gladiatorial games. Are the American people no better than a tribe of savages that they should thus revel in a war dance upon the seas? We think it funny, or shameful, or wicked, when we read of the redskins who used to paint their faces and shout their war cries to frighten the enemy and show what fierce warriors they were."

The Rev. Mr. Holmes said the navy, first of all, is the "manufactured product of the armament builders."

How Intimidation Leads to War. Finally, we present a case which professes to bear out this implied contention that threats intended to prevent war actually promote it. It is Brailsford's conviction that all of the alliances aimed at preserving the balance of power in Europe have really served only to increase fear on the part of the peoples and powers against whom these alliances were made. Whatever intimidation has been exercised by such means has not predisposed the governments served by alliances with inferior powers to submit, but has resulted in their retaliating by increasing their armaments in a vain effort to gain the lead in the race for superior armies and navies. The net result is disastrous.[2]

The adoption of the group system in Europe has . . . brought diplomatists no nearer to the ideal of stability. It has changed the conditions of their problem, but they are still bound at every turn of the wheel to bargain for support and buy off opposition. Loyalty is a matter of expediency and shifting calculation. Usually it pays to support an ally and keep a bargain — if it were not so, there would be no bargains — but there is always a chance that any given crisis may bring the occasion for a weakening of the recognised ties, and a readjustment of the balance of power. Faced by an adverse combination, a restless Power at once sets to work to buy off one or more of its opponents, to take out a policy of "re-insurance," and to break through the diplomatic hedge which pens it in. Europe is in perpetual flux, and peace is preserved only by a constant readjustment of the strains and tensions which hold it together. Alliances, like armaments, are rather symptoms

[1] From the St. Louis *Post-Dispatch*, May 28, 1934.

[2] From H. N. Brailsford, *The War of Steel and Gold* (Macmillan Co., New York, 1915), pp. 21–25.

of a universal insecurity, than the means of building up a permanent peace. The group system stands condemned by its practice. The Budgets of all the Powers which are embraced in it betray their fears. The continual increase of armaments since the formation of the Triple Entente is the sufficient proof that it has done nothing for European security. Union ought to make strength. But in practice every alliance tends to stimulate each ally to the maximum of those preparations which are always supposed to be defensive. Each group aims at a preponderance in Europe, and each ally uses his influence to force his colleagues into costly sacrifices. Russian influence induced France to return to the Three Years' Service System. French influence is among ourselves [the English] a force making for conscription, and from time to time the *Temps* informs us that if ever we are to enjoy the full status of an ally of France, we must make ourselves valuable to her by creating a national army. Italy, seeking security in the Triple Alliance, presently found that she was expected to load her population with taxes in order to maintain the status of a first-class military Power. Our own experience at the moment teaches us how strangely a *quasi*-alliance may operate to increase armaments. Because we belong to the Triple Entente it is argued that we must build ships not merely against Germany, but against Germany's allies, Italy and Austria. But in reckoning our forces, the experts will never allow us to add the navies of France and Russia to our own. An alliance seems always to bring new commitments and dangers with it, but never to diminish perils or to enable its members to lessen their preparations for defence.

Ten years ago if we had invited statesmen and experts to define the tasks of the British army, they would have answered unanimously that we are obliged to maintain a large and costly land force primarily because we hold India and must prepare for its defence. By two treaties during this period our military position in India has been transformed. We have first of all concluded an alliance with Japan by which she is pledged, should India be invaded, to support us with an army of 300,000 men. Meanwhile with Russia, the only Power which could invade India, we have entered on an understanding by which she has become a *quasi*-ally. India has been insured and re-insured. We have made a friend of our only rival, and an ally of the most formidable military Power of the New East. But our army is no smaller for this favourable change in our position. The risks against which it insures us have been twice removed, yet we are unable to disband a regiment or dispense with a battery. The military budgets of India have indeed actually increased since these two treaties made it morally impossible that an army should ever in our time be called upon to defend it against a foreign invader. The army is not diminished, partly because no one wholly trusts the Russian friend or the Japanese ally, but chiefly because our entry into the Continental system of alliances has imposed upon it a new military task. Its primary function is no longer to defend India, but to furnish an expeditionary corps for service in Europe. Alliances and understandings have had here also their normal results. Not for our own sakes, but to serve our friends and maintain the balance of power, we have been obliged to provide our Continental policy with a Continental arm. We require an army which can operate in Europe precisely as we did in the days of Marlborough and Wellington. The more deeply we commit ourselves to the policy of the balance, the more rapidly shall we be driven to the adoption of conscription. We are driven, by the very means which seem to conjure peril and make for safety, into a redoubling of precautions which betray our growing fears. Nowhere in Europe is this process of arming easy or uneventful. Everywhere it involves unpopular taxation, shaken credit, cabinet crises, parliamentary conflicts.

Conditions of Effectiveness in Intimidation. Intimidation or the appeal to fear cannot be used indiscriminately. To be effective efforts at intimidation must result in fear. The would-be intimidator is able to inspire fear only when he is known or supposed to have the power and the will to execute his threats. Threats not backed up by power and "nerve" only serve to cause the maker to be ridiculed. This fact was well known to Hitler and fully observed in his procedure in dealing with Great Britain in the negotiations over the proposed dismemberment of Czechoslovakia in September, 1938. He had his army practically mobilized and ready to enter Czechoslovakia before he issued his ultimatum. Also, he did not propose negotiations with England and France until he he was sure that he had those countries intimidated and ready to purchase peace at his own price. Previous to that assurance he merely acted and stated his intentions. The fact that Great Britain was anxious to negotiate at every point was sufficient indication to him that their threats of reprisal were merely weak attempts at bluff.

It is not always possible to judge the extent of power lying behind the intimidator, for appearances may be deceptive. But there are certain types of cases in which judgment on this point is fairly accurate. The big, well muscled man, the policeman with his uniform and side arms, the parent with his prestige, the gangster with his machine gun, the "stick-up" man with his automatic revolver, the employer with a surplus on his side and hunger on the other, the mob, the skilled boxer or wrestler, the nation with a powerful armament, for example, are usually judged to be competent to make good ordinary threats.

The next question is as to whether the threatened acts will be executed. Here a great many factors enter into the situation to render judgment uncertain. The big man may be "soft" or cowardly, the policeman may be under orders not to use force under any circumstance, the gangster or robber may be only bluffing, the well armed nation may be restrained by pacifist public opinion or it may fear to risk injury to its commerce, as was the case with Great Britain in the instance referred to above. Any person or group otherwise powerful may have a secret weakness, an Achilles heel, so to speak. Those skillful in estimating such matters are on the lookout for these compensating factors, and thus they may be able by artful maneuvering and diplomacy, or by well chosen counter threats, sometimes to intimidate the intimidators. Some people and nations are so skillful at this business that they always count for more at the game of inspiring fear than their intrinsic powers justify. Such persons and peoples, if their courage is equal to their threats, are said to act "on their nerve." Sometimes, however, such persons are only bullies who make a business of bluffing. They may "get away with it" until their opponents "take their measure" and then their power of intimi-

dation collapses. Nations as well as individuals play the bully upon occasion, as recent historic events in Europe seem to show, and not infrequently they are able for some time to "bluff" their peace loving neighbors and rivals. Habitual attitudes of truculency or of good nature often have much more to do with the balance of accounts in intimidation than might normally be expected.

Some persons, groups, classes, and peoples are at a permanent disadvantage in the face of intimidation. Children have little chance in their early years to stand out against parents who care to use the motivation of fear, but later in life they are likely to secure the upper hand in one way or another and may come to intimidate their parents by means of various devices. The poor and the laboring classes have until recently been pretty much at the mercy of the employing class. Soldiers have no chance to intimidate their superior officers, who hold the whip hand in all matters of controversy. Few persons, especially when unarmed, will stand up against the gangster or the robber. Women have had but little power to retaliate against men when physical force was threatened. And small nations, unless protected by larger ones, are at the mercy of large and well armed states, as the recent history of Ethiopia, Austria, and Czechoslovakia testifies.

Relative Importance of Moral Factors in Intimidation. But not all intimidation is exercised through the power to exert physical force, nor is all effective fear that of violence. Moral and esthetic as well as physical injury may be perpetrated and in many cases the threat so to act is more powerful than the threat to employ force. Here a largely different set of factors come into play, depending on the various techniques available for the perpetration of moral harm. Women and children are frequently able to secure a firm control over those with much greater physical strength merely by threatening some act that is abhorrent to the one intimidated. The peculiarly vulnerable position of teachers, preachers, and other civic and ethical leaders and professional men in the community causes them to be generally more easily intimidated than the usual run of people. Merchants and politicians, who depend upon the goodwill of the buying and voting public can easily be intimidated into supporting financially almost any "good cause" and are constantly subject to the fear of retaliation from warring factions of one sort or other.

In order to make attempts at intimidation effective it is necessary to understand the fears of those to be intimidated. Those who have no fears — if there are such — cannot be intimidated. If there is no fear of violence, threats of force are powerless. It is an interesting fact that threats to torture and burn the martyrs did not in many cases cause them to recant and abjure their faith. But, since most people do fear

violence, the threat of its use can usually be employed effectively in intimidation. This explains the intimidative effect of war, since most modern countries fear war. The highly industrialized and commercialized countries especially have this fear of war and are therefore inclined to avoid it at almost any price. Most intimidation is in terms of threats of violence. But people who fear dishonor can be intimidated by the use of that threat. However, since people and nations who use intimidation — at least in all but very exceptional cases — are usually not very highly developed on the side of an ethical sense of justice, they are more likely to threaten force than more subtle injuries. Consequently violence and intimidation are closely associated in practice, as was pointed out earlier in this chapter.

All things considered, intimidation through the evocation of fear is a very powerful social control. It has more ramifications and potentialities than control through force. While it is usually dependent upon a background of force, or at least the pressure of public opinion, it can be applied much more frequently than either force or public opinion. The threat to use these background controls, which is the basis of intimidation, can be more easily employed than the reinforcing controls themselves.

Conclusions. We should not pass from this subject without some indication of the relative value of this method of social control through fear and intimidation. Considered purely as a technique, without reference to its social and moral significance, it is one of the most effective controls. It secures many of the advantages of force with a minimum employment of violence in an age when the gratuitous use of force is strongly disapproved. It works best with those persons who are appealed to with greatest difficulty through their affections, sentiments, and ideals. It is least efficient with the courageous, the well integrated, the self-respecting, and the idealistic members of society. It also frequently works poorly with those who have developed neurotic trends toward contra suggestion and antagonisms in their responses. From the standpoint of social and moral welfare it is undoubtedly a low form of social control, although not as backward as the direct employment of force and the more conscienceless forms of non-violent exploitation. It appeals to the lower rather than to the higher motives in personality and certainly is not to be encouraged where higher types of motivation can be employed. This fact is generally recognized by the more public spirited members of our society, with the result that control through fear and intimidation, like control through force, is used mainly by the more anti-social elements and only as a last resort by those who are highly sensitive to their social obligations in social control.

In this chapter what may seem to some to be an undue proportion of

attention has been given to the use of intimidation as a method of control in international relations. One justification for this emphasis must be the very extensive employment of intimidation at the present time for purposes of international control. While the framework of this type of control is primarily political, it is also social. It affects the lives of all peoples in a great variety of ways. In its present form, international intimidation is being directed in the interests of an ideology that is the direct opposite of a democracy which its sponsors openly profess to despise. As a consequence, we now witness a conflict between the two major political ideologies of modern times by means of intimidation. The significance of this struggle for world and class control, as well as its dramatic aspects, seem to warrant some emphasis upon the process. However, other aspects of intimidation must not be neglected. Local political intimidation seems to be increasing in all countries, and especially in those ruled by dictators. There is also a very active contemporary use of intimidation in labor relations, as was brought out by the LaFollette senatorial investigations of 1937–1938. Gangsterism, with its employment of intimidation, backed up by force upon occasion, has reached enormous proportions within the last decade. As one correspondent puts it, "There is an amazing recrudescence of threatened force, and other means of intimidation, during recent years." This contemporary success of intimidation as a means of social control, especially when used by anti-social units for purposes of exploitation, appears to be both cause and effect of a growing sense of insecurity in many fields.

STUDENT EXERCISES

1. The instructor may have the students describe from their own observation other cases of the use of fear and intimidation in personal relationships. These may then be tabulated and classified. The process of classification involves a useful exercise in analysis.

2. The instructor should have each student take a separate day's issue of available newspapers and clip and classify all of the cases of the use of fear and intimidation found.

3. Some interested student may then be assigned to classify and tabulate the results of all of the classified groups of clippings brought in by the class as a whole. Does this student find any discrepancies in the classifications? What does this indicate?

4. Students may be encouraged to reclassify these materials under other control categories already covered. To what extent can this be done?

5. To what extent did the train robbers mentioned in the first case seem to have a well worked out system of intimidation? What is your evidence?

6. On what ground were the threats of the pro-slavery men directed against Mr. Birney characterized as implied? Do you see any reason why they were not more direct?

7. What sorts of methods were used by the "Liberals" to induce fear and to intimidate the suffragettes?

8. Why was violence in a marked degree finally resorted to in this case?

9. One of the students may be assigned to report the article, "War on the West Coast," in the *New Republic*, LXXIX: 308–312 (Aug. 1, 1934), to supplement that part of the text dealing with this episode. See also the *Nation*, CXXXIX: 65–67 (July 18, 1934).

10. Students may be asked to read or report on cases of violence in connection with American elections described in the *Nation*, *New Republic*, and other similar journals. See especially "Chicago Bullets," the *Nation*, CXXVII: 82–84 (July 25, 1928).

11. Enumerate the different types of methods used by Peter the Great to intimidate and terrorize his subjects.

12. The instructor may have students make similar studies of the methods of terrorization employed by the Committee of Public Safety in the French Revolution, by Mussolini in Italy, by Hitler in Germany, and by the tyrant Rosas in Argentina in the eighteen-forties.

13. What seems to have been the purpose of the Nazis in dealing with the school boys as described in the text?

14. What methods did they use in order to produce these results?

15. Can you assign any probable reason or reasons why less violence was used in controlling the "hunger marchers" at McAlester, Oklahoma, than would have been employed in Italy or Germany?

16. Describe the manner in which you think a similar situation would have been handled in Nazi Germany or in Tsarist Russia.

17. Describe modern methods of "discouraging" revolts and revolutions used by present day governments.

18. A student may be detailed to report on the U. S. Army attack directed by General McArthur against the "bonus marchers" in Washington, D. C., in the summer of 1932, as described in the *New Republic*, the *Nation*, the *World To-Day*, and other weekly reviews.

19. A similar report on the French occupation of the Ruhr, with an account of the intimidating features involved, may also be assigned by the instructor.

20. A summary of the international alliances in Europe preceding the Great War may be prepared from Davis, Anderson, and Tyler, *The Roots of the War*, or from some other source. Why do such alliances fail to preserve the peace?

21. A brief history of the "race of armaments" may also be prepared from the same or other sources and presented to the class. What is the theory back of the armament race?

22. What is the present state of international alliances?

23. What is the present state of the international armament race?

24. Do these movements cancel or supplement each other? How do you explain your answer?

25. An excellent example of the use of intimidation for control purposes is to be found in the Dollfuss murder and its accompaniments. See "Policy by Murder," *Harper's Magazine*, CLXIX: 651–662 (November, 1934).

26. The instructor should have the students report on the various methods of threats and intimidations generally employed by the European powers during the preliminaries to the dismemberment of Czechoslovakia in September, 1938. Materials can be found in the various news weeklies of that time.

27. Rene Lhopital's *The Armistice and the Peace* will provide first hand material regarding international pressure and intimidation at the end of the war of 1914–1918.

Chapter IX

EXPLOITATION OF THE SOCIALLY CONTROLLED

Wide Range of the Subject. The range of methods and techniques in exploitation is very great. As in the case of intimidation, there is no one method of exploiting people. The word itself represents a class of activities extending all the way from such methods of employing force and violence as robbery, rape, and murder for profit to the much more peaceful, if not less ruthless and effective, procedures of forgery, foreclosing mortgages unfairly, or even overcharging in the market and practicing deception in a horse trade. It is impossible that we should be able to present enough illustrative cases to cover all of these numerous techniques in a single chapter. Consequently, it shall be our purpose to select fairly typical examples of those kinds of exploitation which appear to be most significant in our society in order to illustrate the whole field of exploitation. For the sake of brevity we shall also omit those types of exploitation which depend primarily on brute force or violence, since they have already been discussed at sufficient length in other connections in the preceding chapters. It will be found that most of the preceding cases are exploitive in one way or another. We shall also exclude from this chapter many types of exploitation which are reserved for treatment in subsequent chapters. This is particularly our intention with regard to the more subtle methods of exploitation, such as hidden graft, legally allowed fraud, trickery, intrigue, and the whole field of self-interest promoting propaganda and corruption. Several chapters will be devoted largely to these phases of exploitation. As a result of these limitations, we shall confine our treatment in this chapter to the more obvious, but relatively non-violent, forms of exploitation.

Meaning and Forms of Exploitation. Exploitation may be defined simply as any method of taking unfair advantage of another, or of a group of people. Thus, as pointed out in Chapter III, exploitation covers in a general way almost the whole of the methods of control covered in Part II of this book. The subject is introduced specifically at this point for separate treatment because it seems opportune to call especial attention to this aspect of social control, and not because it is itself a special method of control coordinate with the types of controls

already discussed in Chapters IV–VIII and to be considered in immediately subsequent chapters. A sufficient number of illustrative cases have been accumulated at this point to make the nature of exploitation clear and subsequent illustrations should clarify still further this method of control.

Exploitation may apply either to men or to animals, but our treatment of the subject will be limited to its human aspects. It may be directed against the personality of the exploited or against his property or other possessions and attachments. Rape, the enslavement, or the overworking and the underfeeding, of a person in the power of the exploiter are cases of exploitation or misuse of the physical personality. The inducement of false hopes in another or an appeal to affection for personal profit or the satisfaction of one's own ego are instances of personality exploitation of a non-physical or mental and moral character. Even the defrauding of people of their belongings or an injury done to their friends with motives of self-interest are indirectly cases of personality exploitation. For one's personality is tied up with his belongings and the objects of his affections and any affront to these is also an abuse of his own personality.

While we are likely to think of exploitation as being exercised by one individual over another, it is by no means limited to such cases. The individual cases are merely more concrete and numerous and therefore more commonly observed and understood. But a vast amount of exploitation is perpetrated by groups upon other groups and upon individuals. This type of exploitation is usually much less readily detected and appreciated, because it frequently takes place through indirect and undercover channels. Because the simpler and more individual forms are already generally known, we shall devote but little attention to them here. Instead, we shall concentrate most of our effort and devote the major portion of our space to the less visible corporate or collective forms of exploitation.

Exploitation through Slavery. To this general rule we shall, however, make one exception in the very beginning of the chapter. No treatment of exploitation would be regarded as acceptable which did not give some attention to slavery. This is one of the oldest and most interesting forms of individual and collective exploitation. It is individual in that it usually deals with the slave directly; it is collective in that it ordinarily applies to a race, a nationality, or a class. Sometimes, however, as was apparently the case in Greece and Rome, it was a mode of exploitation applied indiscriminately to enemies taken in war or to those who incurred the political displeasure of tyrants or became hopelessly legally indebted to economic exploiters. The following description by a citizen of the United States of slavery as practiced in Cuba

about the middle of the nineteenth century represents it in a relatively mild form.[1]

It was my fortune to see in Cuba perhaps the mildest form of agricultural slavery. Among the slave-holders of my acquaintance are numbered some of my most valued friends, men of candor and of character, with whom one could speak as unreservedly on the subject of slavery, as with high-minded officers on the subject of war. Under their auspices I saw the system in its most favorable aspects. Moreover, the Spanish slave laws rather resemble those of the East than those of America. There is a master too, above the masters in Cuba, and though the supreme authority is exerted less to benefit the slaves than to oppress the slave-holders, still there are circumstances of great superiority in the condition of the Cuban over that of the American slave. The American slave has no hope but that of which man cannot deprive him, the hope of immortality. His earthly destiny is taken completely out of his own hands. He has no majority, and like a child or a beast, must look to receive from another his good or evil fortune, without an effort on his part. The Cuban slave is protected by the law in the enjoyment of a certain amount of property, and may apply his earnings to the purchase of his own liberty. An authoritative arbitration may settle his value, on his own appeal, and so soon as he shall accumulate fifty dollars, his master is obliged to accept that sum as an instalment of the slave's price which buys for him a proportionate command of his time, and in the event of his sale to another owner before he has accomplished his liberty, shall be carried to his credit. I have seen slaves who were free for five or six days out of the seven, and would soon emancipate themselves entirely. The domestic relations of the Cuban slaves are also protected by the law, and the great immorality which exists among them is a consequence of their own unrestrained savage instincts, and of the debasing example of the lower whites rather than of any such tyranny as that which is too truly painted in Uncle Tom's Cabin. The Cuban law, too, forbids the infliction of *more than twenty-five lashes* (!) and the master who maltreats his slave is compelled, as in Turkey, to sell him.

The mildness of the climate is in favor of the Cuban Negro. And on the great estates, the slave quarters, the *baracones*, are usually as neat and well arranged as on the best, the *exceptional*, plantations of the South. The *baracon* is generally divided into separate domiciles which are about as large as an average Welsh cottage, and are rarely so dirty as the homes of the paradise of consonants. To the *baracon* a hospital is always attached, often under the charge of some African Sangrado, skilled in leeching and bleeding, and in the compounding of "snake-butter," and other astonishing specifics, but always superintended by a physician who visits the estate once or twice a week, or even oftener, according to its size. The older women, exempted from harder labor (for Cuba does not traffic much, like New Orleans, in second hand muscles), take care of the children in a great nursery. The children are not often numerous, for the growth of the slave population in Cuba is sadly checked by the influence of the slave-trade, which keeps up an alarming preponderance of the male sex.

The greatest severity of toil is endured by the slaves, who in small bands of three or four *men*, denied even such savage semblance of family life as the great estates afford, are worked upon the small tobacco-farms, by owners whose poverty of means and love of luxury make them utterly inhuman. Under the moonlight, as under the sunlight, these hapless wretches, with little rest and no comfort, must plant and tend and gather the pleasant poisonous weed. From that so famous

[1] Adapted from [Anonymous] *Gan-Eden; or Pictures of Cuba*, 1854, pp. 189–195.

"tobacco of the Vuelta Abajo" a cunning alchemist might draw secrets more fatal than its hidden nicotine!

Even on the best of the great estates, from November to May, the Negroes are required to work sixteen and sometimes nineteen hours a day. They work, like sailors, by watches, making the "night joint laborer with the day," and startle the stranger from his midnight sleep with the prolonged wailing cadences of their barbaric chants. In this excessive toil both sexes bear an equal part. It may perhaps be doubted whether this particularly aggravates the case. The hoe in the fields may possibly be less deadly to body and to soul than the needle in the garret.

Will Slavery Reappear in Society? It is often asserted that slavery can never again be tolerated by the more advanced peoples of the world. But there is no reason for such a belief. Greek culture was largely based on slavery as an economic foundation. Slavery in the modern world has disappeared only where artificial power has become cheaper than muscle power and where machines have replaced men. When the limited coal supply finally gives out a few centuries hence, or before, human slavery may again be utilized by those who have no other means of securing leisure and wealth for themselves and are at the same time in such a position of advantage that they are able to exploit their less fortunate fellow human beings. In fact, there are those who now refer to certain new forms of wage labor in which the worker has little or no freedom of bargaining and may be removed from employment at will as "wage slavery." Perhaps the contention often made that such systems work to the advantage of the slaves and of the wage workers themselves, as well as their masters and employers, has some truth in it, but not enough always to make inapplicable the charge of exploitation.

It is also interesting to note that in those highly militaristic countries which we have come to characterize as Fascistic and Nazi there appears to be a distinct tendency to subject labor to conditions that are but little, if at all, removed from enslavement. In Germany and in Italy the workers are forbidden to organize for collective bargaining and are not allowed to strike in protest against pay or conditions of work. Also, in Germany, they are at the option of the government assigned to work projects, even on private estates, with a very slight wage, which scarcely provides for necessary expenses, and they are not free either to reject such employment or to leave it at their own option. In Japan, wages in practically all the industries are so extremely low in comparison with the cost of living that even health is endangered and there is little provision for decent comforts and culture among the manual laborers. In practice, organized protest is essentially impossible short of a revolution. All of these burdens upon labor in the three most completely autocratic and regimented large nations of the world are imposed in the name of patriotism and military and civic

necessity. But whatever the imputed justification, the condition to which labor is reduced in these countries approximates to slavery.

The Exploitation of Native Peoples. The next three cases that we shall present represent the process of exploitation as exhibited in the relationships between one cultural or racial group and another, in widely separated parts of the world, namely in Cuba, in India, and in Africa. From this diversity of examples it may be possible to gain some general perspective on this type of exploitation as a whole.

The treatment of an inferior caste or class by a superior one has many points of resemblance to that meted out by masters to slaves, as described above. In the process of colonization and subjugation of the culturally more backward portions of the world which has been going on since 1492 the "natives" everywhere have been treated as inferiors and exploited generally with little mercy. A leading sociologist in Argentina remarked bitterly to the author a few years ago that wherever the English found themselves, even in a civilized country like his own, they recognized but two classes: the English and the "natives." Yet the English have been traditionally among those peoples who have dealt most gently and justly with peoples of inferior culture and power. The Spaniards, of whom the sociologist was a descendant, were among the world's chief offenders in the matter of exploitation of the conquered peoples in the days of the conquistadores. Even as late as the middle of the nineteenth century the same attitude of exploitation was prevalent in Latin America, as the following selection dealing with Cuba shows.[1]

The mother country has been in the habit of applying her sons, like leeches, to the bodies of her colonies, and the successive generations of old Spaniards have come upon the Indies, like those great waves of barbaric invasion which swept over the Roman Empire. Naturally enough the old Spaniard looks down upon the Creole with the contempt of a conqueror. Not less naturally the Creole regards his kinsmen of Castile with a sort of spiteful aversion. The bright-eyed boy at the café curls his full lip with scorn, when you ask him if he was born in Cuba, and his shrill treble grows a clarion in the reply, "No, Señor! soy Asturiano!" ["No, sir, I am an Asturian."] The judge on the bench, the beaten soldier at the barracks, assume towards the native of the island, something of the port with which an Alvarado or a Sandoval imposed respect upon the defeated Aztec. But the Spanish superiority does not consume itself in sneers and airs. The old Spaniards monopolize the most profitable traffic. The Catalans, the yankees of old Spain, the hard-headed, shrewd Catalans, faithful to their motto of "five years of privations and a fortune," are to be found in every town and hamlet, and in every stage of social development, from the domestic grub, toilsomely outspinning the brilliant cocoon that is to be, up or down to the gay and gorgeous butterfly of the second generation, rejoicing in the sunshine of fashionable life. The Catalans are generally very loyal, for they enjoy a number of monopolies which, like all monopolists, they blindly and

[1] Adapted from [Anonymous] *Gan-Eden; or Pictures of Cuba*, 1854, pp. 155–163.

ignorantly cherish, to the serious injury of Cuba. Political economy in Spain seems to be just abreast with the wisdom of the age of Walpole. For instance, the flour monopoly so protects the exporters of Ferrol and Santander, that the wheat of northern Spain, originally very good, is forced upon the Cuban markets after undergoing voyages of such a length that one can only account for them by supposing that each captain, on every trip, has to find the new world all over again, without reference to Columbus! . . .

More irreconcilably hostile than the merchants to the Creole population, are the old Spanish officials. It is really hard to exaggerate the extent to which bribery and corruption are carried among these persons, or the annoyances to which the unprotected natives are subjected at the hands of Dogberrys clothed with more or less authority. At Havana, it is notoriously impossible to procure any paper of importance at the government house without employing an *agente* or general broker, a limited number of whom are licensed by the government. I tried the experiment myself of applying personally for a certain document, but after dancing attendance for nearly a week in the large and little rooms of the Palace, I gave it up and put the matter into the hands of an *agente*, who within the day brought me the required parchment stamped conspicuously with the word *gratis*, and demanded seven dollars as the price thereof! These fees are of course divided with the subordinates at the Palace. The whole thing is in the purest oriental taste, but one must be very immoral to enjoy it.

Throughout the country, the "paternal" government is as *affectionately watchful* over the people as a duenna aunt over a pretty niece, and as *judiciously firm* as an old-fashioned schoolmaster. Englishmen and Americans, more accustomed to worry than to be worried by their governments, can hardly bring themselves to believe in the reality of such an incessant, inquisitive, undignified tyranny as prevails wherever a "strong government" is "maintaining order." I knew one man whose small property happened to lie on the road taken by a party of troops conveying some miserable prisoners of the Lopez [revolutionary] "army" to Havana. One of these captives fell by the way, and was left to die. Found by some Negroes, the dying man was visited by the planter of whom I speak, carried to his house and cared for. He, however, soon died. This act of humanity being *illegal*, the planter became a marked man. Military requisitions of carts were made upon him in the height of the grinding season, vexatious searches, and all sorts of small annoyances inflicted upon him. Naturally enough, the object of this despicable persecution sometimes gave vent to his feelings in injudicious language. The doctrine of "constructive treason" being thoroughly understood in Cuba, he was at last arrested, carried to Havana, and was lying there in prison when I left the island.

Exploitation of Colonies by the Metropolis. In these cases the government officials are seen to vie with the civil or mercantile elements who had migrated from Spain to exploit the island of Cuba. Here we see also the many petty and serious annoyances to which natives are subjected by a suspicious and fearful metropolitan or home government ruling with an iron hand. In a large portion of the globe the native races are still subjected to exploitation very similar to that described above.

That metropolitan governments regard colonies and dependencies as existing primarily for the purpose of allowing the home financiers,

merchants, manufacturers, and officials to exploit their political dependents is a fact long recognized. The American revolution was largely the result of this policy on the part of the British people, and the same policy is back of the serious trouble the British government is today experiencing in dominating India. The following account taken from the records of an American traveller of reputation and honesty, made in 1853, will show the results of British management in India in the middle of the last century.[1]

It is the misfortune of India that it is governed by a commercial corporation, which annually drains the country of a large proportion of its revenues. It is true that the amount of the dividend on the East India stock is fixed by Parliament and cannot be exceeded; but that stock, with the debts incurred, by various expensive wars, amounts to upwards of $225,000,000, to meet the interest on which requires an annual expenditure of $15,000,000. Besides this, a large amount of money passes out of the country in the form of salaries and pensions (the Civil Service being much better paid than any other service in the world), so that a constant system of depletion is carried on, which would have greatly impoverished the country by this time, had not its effects been partially counteracted by other and compensating influences in the Government. The governing machinery is also very unwieldy and lumbering, fettered by a system of checks, which, as some of the departments are seven thousand miles apart, renders it extremely difficult to introduce new measures, no matter how urgent may be the necessity for their adoption. Parliament in this instance adheres to the old maxim of *quieta non movere*, and although the charter of the East India Company comes up for renewal once every twenty years, few steps have been taken to lop off the old excrescences and simplify the action of its executive powers.

The relation of the Government to the laboring millions of India is one that has been frequently condemned. It was inherited from the former rulers, but has since undergone considerable modification, and not, I am sorry to say, for the better. It is substantially that of landlord and tenant, the Government holding all the land as its own property, and leasing it to the inhabitants according to a certain form of assessment. In some instances it is leased directly to the laborers, in others to *zemindars*, or contractors on a large scale, who sub-let it to the former at an advanced rate, and practise tyrannical extortions upon them, in order to increase their own profits. The worst feature of this system is, that the rents increase in proportion to the productiveness of the land, so that it discourages the laborer from endeavoring to improve his portion. I have been informed that the amount received by Government averages about 75 percent. of the value of the produce. The consequence is that the laborers, whether leasing from the *zemindars* or directly from the Government officers, make but a bare subsistence from year to year. In almost any other country they would be kept permanently at starvation point, but in India their wants are so few and their habits of life so simple, that the amount of positive distress is comparatively small. For a common laborer, such as are employed by Government on roads and canals, four rupees a month, or $24 a year, is considered good wages, and there are millions who manage to subsist on half this sum.

In Bengal and Madras the condition of the laboring population is most unfavorable, on account of the peculiar land systems which have been adopted in those

[1] From Bayard Taylor, *A Visit to India, China, and Japan* (Putnam's, New York, 1854), pp. 268–273.

presidencies. In Madras, where what is called the Ryotwar system is in force, a general assessment of all produce and property is made every year, and the rents fluctuate according to this standard, within the limits of a maximum rate, fixed by Government. But in order to carry out this system, the assistance of a large number of petty native officials is required, and the abuses which are perpetrated under it are said to be absolutely monstrous. In the north-west provinces, where an assessment is made only every thirty years, and the occupation and cultivation of a tract of land constitutes a sort of claim to the renewal of the lease, the country is in a much more flourishing state. The soil is under excellent cultivation, and the inhabitants are thrifty and contented. . . .

The land revenue is of course the main source of supply to the Government, but there are some other taxes which are almost as severely felt by the population. The manufacture of opium is a Government monopoly, which yields a net annual revenue of $15,000,000. The duty on salt is enormous, and as this is an article of universal consumption, is very severely felt. It amounts in some parts of the country to two rupees ($1) the maund, while in the territories of native princes the article may be bought for six annas (twenty cents) the maund. . . .

Portuguese Exploitation of Natives in Africa. Reprehensible as the exploitation by the English in India may seem, that of the African natives by the Portuguese (and others) is much more conscienceless. In fact, it is almost always true that the intensity of exploitation is in direct proportion to the helplessness of the exploited. The ignorance and lack of power of resistance of the blacks in the more out of the way parts of Africa have made them liable to all sorts of exploitation, ranging from enslavement and conquest to petty cheating and physical abuse, for centuries. Professor Ross[1] has given a graphic and authentic account of the types of exploitation he saw and learned of in Portuguese Africa in 1924. There seems to be good reason to believe that similar conditions prevail in other parts of Africa, where corrupt governmental officials and criminal traders combine to take from the native worker everything that can be taken in an economic sense, with the result not infrequently that he loses his life also. If the exploitation in Africa is worse than that in India, the difference is due mainly to the divergences of culture between the native Africans and the native Indians, but also to some extent to the differences in culture of the countries that dominate the two regions.

Ross found that the Negroes in Portuguese Africa worked for as little as $1.25 a month and that even this pay was delayed and often greatly diminished by fines and other impositions. The government officials and contractors furthermore appeared to have an understanding with the traders, with the result that the worker was further exploited by these very dishonest leeches who took advantage of the native's ignorance of money values and his helplessness. The workers did not contract themselves voluntarily to the employers, but were drafted by

[1] E. A. Ross, *Seventy Years of It* (Appleton-Century Co., New York, 1936), pp. 193–196.

the government and were forced to work on the large plantations and other enterprises of the white settlers, whether they wished to do so or not. They were no better off in fact than slaves. They were often taken as far as 200 miles away from home to work and the food they were given was habitually inadequate or repellant. Some men had been drafted as many as three times successively, with the result that they were not able to do their own work. A great deal of unnecessary road building was imposed upon them by the government, much or most of which had to be done by the women in the absence of the men who were away on draft. Many of the men were also the victims of serious, or even fatal, accidents from axes, falling trees, and other dangerous incidentals of their labors. These injuries were uncompensated.

Africa is perhaps the last great region of exploitation of the colored races by the whites; but America, with its Indian races, India with its illiterate and uneducated millions, and the South Sea islands, have been treated almost as mercilessly by the white exploiter. Of course it is not the socially most approved types of the white peoples who engage directly in this exploitation, but the race as a whole can scarcely escape the blame of permitting its worst specimens to represent it in such an activity.

Race Prejudice. One of the inevitable results of exploitation of less civilized peoples by metropolitan governments and civilizations is the development of strong race prejudices. If the exploitation extends as far as enslavement, this prejudice becomes especially intense, as was the case between the whites and blacks in this country before and especially after the Civil War. It is to be found even where slavery does not exist, but where milder economic inferiority obtains instead. The strength of the prejudice bears some relation to such cultural divergences of the exploited and the exploiters as depend upon literacy, knowledge, manners, and morals, but it will not do to attach too much importance to these types of cultural differences. Race prejudice appears to be based chiefly upon economic competition. It is noteworthy that the strongest prejudices are entertained by those lower cultural elements among the exploiters who deal most closely with the exploited and come into competition with them. Perhaps this prejudice is in some degree a defense reaction on the part of the exploiters. Bayard Taylor describes its expression among the English in India in the following passage.[1]

> There is one feature of English society in India . . . which I cannot notice without feeling disgusted and indignant. I allude to the contemptuous manner in which the

[1] Bayard Taylor, *A Visit to India, China, and Japan*, New York, 1854, p. 273.

natives, even those of the best and most intelligent classes, are almost invariably spoken of and treated. Social equality, except in some rare instances, is utterly out of the question. The tone adopted towards the lower classes is one of lordly arrogance, towards the rich and enlightened, one of condescension and patronage. I have heard the term "niggers" applied to the whole race by those high in office; with the lower orders of the English it is the designation in general use. And this, too, towards those of our own Caucasian blood, where there is no instinct of race to excuse their unjust prejudice. Why is it that the virtue of Exeter Hall and Stafford House can tolerate this fact without a blush, yet condemn, with Pharisaic zeal, the social inequality of the negro and the white races in America?

Metropolitan Improvements. While the general attitude of the metropolitan government toward the people of a conquered territory is that of exploitation, in some respects it brings decided improvements. Its chief exploitive interest is economic. Colonies, mandates, and spheres of influence exist primarily for purposes of economic exploitation. Where governmental agency in behalf of the inhabitants of the country will improve economic revenues this is likely to be exercised to the betterment of native conditions. Thus the metropolitan exploiters usually bring a more dependable government, in which the processes of justice between natives are more sure and scientific, graft is usually less marked, sanitary and general living conditions are often improved, better hygiene and medicine are introduced, and even public education may be brought to the natives by the more enlightened metropolitan governments. Quoting again from Bayard Taylor, we find that the British government early had credit for some such improvements in India.[1]

In the neighboring kingdom of Oude, grinding taxes are extorted every year by the force of an armed soldiery, districts which twenty years ago blossomed as a garden, are now waste and deserted, and thousands of oppressed subjects annually escape into the Company's territories, where they find at least security of life and property. Despotic as the Company's government certainly is, it is a well-regulated despotism, and its quiet and steady sway is far preferable to the capricious tyranny of the native rulers.

The internal customs which formerly existed have been abolished, and a gradual amelioration of the burdens under which the native population has been weighed down, seems to be taking place. Though very slow to expend any money in public works, the Government still moves forward in this direction — and lately by guaranteeing to the holders of stock in the India Railroad Companies five per cent. for twenty years, gave a powerful impetus to an undertaking which will in time change the whole aspect of the country. The Grand Trunk Road, extending from Calcutta to Delhi, a distance of 900 miles, and now being carried on to Lahore, is one of the finest highways in the world. The Ganges Canal, which will cost $10,000,000 when finished, will cover with perpetual harvests the great peninsular plain between the Ganges and Jumna, and render famine impossible in the north of India. There is

[1] Bayard Taylor, *A Visit to India, China, and Japan*, 1854, pp. 270–272.

scarcely a large city in the Company's dominions without its schools, its colleges and its hospitals, supported mainly by Government bounty.

The moral changes which have been wrought within the last hundred years, or since the battle of Plassy laid the true foundation of the present vast commercial appanage, are even greater than the physical. The Civil Service, though liable to objection, from the favoritism practised in the appointment of its officers, and their promotion by seniority, without regard to talent or capacity, still secures to the native a more just and equitable administration of law than he could obtain from magistrates of his own race. The horrid practice of *suttee*, of widow-burning, has been totally suppressed; the confederation of Thugs, or Stranglers, which extended throughout all Central India, has been broken up, and the Dacoits, or robber bands, which are still in existence along the Ganges, and in the hilly country at the foot of the Himalayas, are gradually becoming extinct. With few exceptions, order and security reign throughout the whole of India, and I doubt whether, on the whole, there has been less moral degradation and physical suffering at any time since the power of the Mogul Emperors began to decline.

Possible Future Trends in Metropolitan Exploitation. While in some respects the conditions of the Indian peoples has been somewhat improved by the English, the British occupancy has been by no means a philanthropic enterprise. Since the time India was visited by Bayard Taylor the control of the country by the East India Company has been replaced by direct governmental management and various other improvements have been introduced, but as the native peoples become more clearly aware of the political condition of other countries the less willing are they to submit to any sort of foreign exploitation. Consequently a more or less bloodless revolution against the British government in India has been in process for nearly two decades. Just recently Italy has been making exploitive advances in Africa, and has now taken over Abyssinia, which is in process of pacification after conquest. Japan has for thirty years pursued a similar policy in Eastern Asia. But the end of all violent foreign exploitation of culturally inferior peoples by armed force is probably within sight throughout the world, although not yet imminent. As the native peoples become sufficiently civilized and industrialized they throw off the foreign yoke, as did the Americas in the eighteenth and nineteenth centuries. However, the more peaceful economic exploitation through trade and capital loans and tariffs may continue much longer. On the other hand, the ever-increasing populations of the overindustrialized countries, such as Italy, Germany, and Japan, seem to be leading them rapidly in the direction of a more active conquest and exploitation of weaker peoples. The interesting incidental observation of Mr. Taylor, previously quoted, to the effect that the English were indignant at the treatment of Negroes in the United States while they regarded Caucasians in India with a similar aversion, merely serves to illustrate how economic considerations or interests frequently dictate moral and social attitudes.

The Social and Individual Bases of Exploitation. The remaining illustrations of exploitation to be presented in this chapter will deal with this process as it operates within a given state or type of culture. They will include exploitation of one class by another, exploitation of voters by political machines, exploitation of nations by private industry (as where war scares are fomented by armament makers for the purpose of increasing sales of war materials), exploitation of society by its criminals, and exploitation of individuals by priests and other functionaries. This list of types of exploitation, although by no means exhaustive, is perhaps sufficiently representative for purposes of illustration of some of the leading forms which exploitation takes in our day.

Even home governments are based very largely upon the exploitation of the masses of the people governed, as Oppenheimer has shown.[1] Exploitation by the powerful is even more common within a state than it is on an international basis, because exploitive contacts are more numerous and are more easily managed on a national or local basis. Primitively it was the stranger that was exploited, but with the substitution of a civic or national for a kinship or tribal organization of society everyone became meet for exploitation in those societies that had not yet developed a sufficiently strong sense of social obligation and civic service and welfare on the new relationship basis to guarantee the protection of the weak as well as the strong. Only a strong and widely diffused sense of social justice can protect the socially and personally weak from exploitation by powerful neighbors. There are two factors in general that make for such exploitation. One is the weakness of the exploited and the other is the power and aggressiveness of the exploiters. Nominal democracies, without a wide-spread spirit of public welfare and civic service, will not protect the weak. James Fitzjames Stephen, the English jurist, has pointed out the essential weakness in so-called democracies, in which merely the personnel, and not the spirit or policies, of those who do the exploiting is changed.[2]

> Legislate how you will, establish universal suffrage, if you think proper, as a law which can never be broken — you are still as far as ever from equality. Political power has changed its shape, but not its nature. The result of cutting it up into little bits is simply that the man who can sweep the greatest number of them into one heap will govern the rest. The strongest man, in some form or other, will always rule. If the government is a military one, the qualities which make a man a great soldier will make him a ruler. If the government is a monarchy, the qualities which kings value in councillors, in generals, in administrators, will give power. In pure democracy the ruling men will be the wire-pullers and their friends.

Is a New Era of Exploitation of the Masses Dawning? Certain it is that no so-called modern democracy can boast truthfully that it is

[1] See Franz Oppenheimer, *The State.*

[2] From James Fitzjames Stephen, quoted by Will Durant in *Plain Talk*, II : 643 (June, 1928).

free from exploitation. One has only to read the pages of Lincoln Steffens,[1] of Charles Edward Russell,[2] or of Henry Demarest Lloyd [3] to realize to what extent economic and political exploitation of the people is characteristic of our own country. The more pessimistic view regarding the inability of the people to rule themselves in their own interest, and thus to prevent exploitation, is well stated in the following passage from one of the publicists of the present day.[4]

> We may take it . . . as a general principle, illuminated even by its exceptions, that behind every government is an oligarchy; and that the first rule of political analysis should be: *Cherchez les forts* — find the strong. The oligarchy may be military, commercial, or aristocratic: that is to say, the ruling minority may be soldiers, placing a succession of generals upon the throne; or rich business men, ruling through presidents and kings; or members of old families originally empowered by the ownership of land, and traditionally possessed of leadership and prestige. Hence the great argument of the aristocrat is that aristocracy is the sole alternative to rule by crude wealth or brutal force. The break-up of the Roman aristocracy opened the way for barbaric soldier-kings; the break-up of the French and English aristocracies cleared the road for the enthronement of pounds sterling, dollars and francs. Democracy can forestall a military oligarchy; but no system of elections has yet been made that could keep riches from seizing power. The one preventive of plutocracy is the restriction of government to families with the traditions and qualities of rule. Rule by pedigree is the only alternative to rule by pocketbooks; and only an aristocracy can prevent an oligarchy of the *nouveaux riches* from subjecting the moral and cultural life of a nation to the ideals and standards of the stock exchange, the marketplace, and the factory.

The Bourgeois Counter-Revolution. In conformity with this statement of social trends in exploitation, we find dictatorships, backed by industrial and financial interests, established in half the countries of Europe today and making aggressive efforts to become established in most of the other European countries. There seems to be a great and international counter-revolution in process, directed against the republican and democratic governments which have during the last century and a half dispossessed the classes of hereditary privilege in the more progressive countries of the world. But the counter-revolution is not being directed by or in the interests of the old hereditary classes, but by the bourgeois or industrial, commercial, and financial classes that dispossessed the nobles, clergy, and kings and who are themselves now threatened with dispossession by the growing power and self-rule of the proletarian or working classes. The new movement toward dictatorships is a struggle of the bourgeois classes to retain by force the power of exploitation of the masses which they

[1] See his *Autobiography*, New York, 1931.
[2] See his *Bare Hands and Stone Walls*, New York, 1933.
[3] See his *Wealth against Commonwealth* and *Lords of Industry*.
[4] From Will Durant, "Will Aristocracy Return?" *Plain Talk*, II : 643 (June, 1928).

seized from the kings and nobles. As long as they were able to rule under the forms of democracy in the manner described above by Stephen, they were content, but when they saw this power slipping from them they repudiated the forms of democracy and appealed to force of the most drastic type.

How Dictators Are Made. The methods by which the recent dictatorships in Europe have been established are so familiar to all readers of the serious news periodicals that perhaps no case need be offered here by way of illustration. But it may be desirable for purposes of comparison to take from Tacitus a brief account of the way in which Octavius made himself dictator of Rome. The student will observe how closely his methods and those used by the modern dictators parallel each other, allowing merely for some differences in social organization and other local circumstances. Almost always they begin by pretending to be leaders of much desired reforms and stir up the people to accept their programs and their leadership in achieving these reforms. The next step is that of usurping the legislative functions of government and of suppressing or limiting the powers of the courts in the name of efficiency or of justice, or by the use of some other slogan. They end by capturing and augmenting the police and the military powers and by turning them against the people in their own defense. Their popularity lasts as long as they can invent issues which appear to call for their leadership or as they can convince the people that they are promoting their personal or national interests. Tacitus' account follows.[1]

When, after the fall of Brutus and Cassius, there remained none to fight for the commonwealth; when Sextus Pompeius was utterly defeated at Sicily; and Lepidus being deprived of his command, and Mark Antony slain, there remained no leader even to the Julian party but Octavius; having put off the name of triumvir, styling himself consul, attached to the tribuneship for the protection of the commons; when he had cajoled the soldiery by donations, the people by distribution of corn, and men in general by the charms of peace, he [Octavius] began by gradations to exalt himself over them; to draw to himself the functions of the senate and of the magistrate, and the framing of the laws; in which he was thwarted by no man; the boldest spirits having fallen in some or other of the regular battles, or by proscription; and the surviving nobility being distinguished by wealth and public honors, according to the measure of their promptness to bondage; and as these innovations had been the cause of aggrandizement to them, preferring the present state of things with safety, to the revival of ancient liberty with personal peril. Neither were the provinces averse to that condition of affairs; since they mistrusted the government of the senate and people, on account of the contentions among the great and the avarice of the magistrates: while the protection of the laws was enfeebled and borne down by violence, intrigue, and bribery. . . .

In answer to this it was urged, that "his filial piety, and the exigencies of the

[1] From *The Works of Tacitus* (Harper and Bros., 1858), vol. I, *The Annals*, pp. 2–3, 10.

republic, were laid hold of as a pretense; but that from an ardent lust of reigning, the veteran soldiers were worked upon by means of his largesses: and though a private youth, he had levied an army; had corrupted the legions of the consul; that his interest with the party of Pompey was simulated: that soon after, when, in virtue of a decree of the senate, he possessed himself of the fasces and the authority of the praetorship, when Hirtius and Pansa, the two consuls, were slain, he had seized both their armies: (whether it was that the consuls fell by the enemy, or whether Pansa was killed by pouring poison into his wounds; and Hirtius cut off by his own soldiers, and Caesar the contriver of this treason:) that by terror he had extorted the consulship in spite of the senate; and turned against the commonwealth the very arms with which the commonwealth had intrusted him for her defense against Antony. To these were added his proscription of citizens; the divisions of lands; which were not commended even by the very persons who carried out the measure. But admitting that the deaths of Cassius and the Bruti were sacrifices offered to his father's hate of them (though eternal justice demanded that he should have made personal animosities yield to public good) yet he betrayed Pompey by the phantom of a peace, Lepidus by a specious show of friendship. And afterward, that Antony, having been ensnared by treaties, those of Tarentum and Brundusium, and by the marriage of his sister, paid with his life the penalty of that insidious alliance. After these things no doubt there was peace, but it was a bloody peace. There were, too, the disasters of Lollius, and of Varus; and at Rome, the Varrones, the Egnatii, the Juli, put to death."

Political Party Exploitation through Campaign Contributions. One of the chief methods by which so-called democratic governments are delivered over to an oligarchy of bankers, manufacturers, transportation and public utility magnates, and merchants is through their financing political campaigns by their contributions. It is even commonly stated that the chief contributors to political campaigns sometimes pick the leading candidates, who pay them back for their monetary support by appointing men of their selection to key positions in the government and by passing the legislation they require. Thus the people frequently have only the illusion of electing their representatives and have even less control over the acts and policies of these representatives when in office. The following dispatch, purporting to cover a case of this general type, printed in the daily press, may help to throw some light on such political procedures.[1]

The assertion that John J. Raskob is "the first mortgage holder" of the Democratic party is made in a letter to the national chairman by Frank R. Kent, political writer for the *Baltimore Sun*.

"I further assert that in the history of this country no political party was ever under such financial obligations to any individual as the Democratic party is today under to you," said Kent. "You brought the party out of bankruptcy, put it through the receivership, stood it on its financial feet, and then clapped a first mortgage on it."

Kent's letter was occasioned by one from Raskob in which the latter defended his chairmanship against criticism by Kent.

[1] From the St. Louis *Post-Dispatch*, January 14, 1931.

"The Democratic party ought not to let any rich man so completely finance its activities and pay its bills," said Kent. "It isn't self-respecting and it isn't Democratic, and it isn't good." . . .

"I assert that so far as the Democratic party has liabilities and debts you have taken them over," said Kent. "There may be other indorsers on the note but your name heads the list and you are the chief responsible person and are so recognized. You have done all the financing and it is you who have reduced the $1,000,000 debt to approximately $600,000. Further, I assert that you selected Mr. Jouett Shouse as Executive Chairman, arranged for the expanded headquarters in Washington, for the high-priced publicity department and underwrote for a period of three years the unprecedented expenses of the work there.

"I further assert that the record shows the Democratic party owes you for money loaned — a quarter of a million dollars. I further assert that it owes you more every month, not less, and that in the last campaign the records show nine-tenths of all money contributed came from you.

"You say that ultimately you expect the Democratic party to pay you back the money loaned. I think you are optimistic and not sincere about that."

"I did not in any article," said Kent, "intimate that in what you had done financially for the Democratic party you had any sinister purpose. . . . I think you are a little out of focus or you would have, even though money means little to you.

"I particularly do not believe the party's chances for success in 1932 are enhanced by the condition in which you have put it by such extraordinary generosity."

The democratic chairman objected to what he termed an inference that he was a Republican and that he became a Democrat solely because of the 1928 candidacy of Alfred E. Smith. Kent said that Raskob for the first time had denied that he was "a Republican until 1928 and that you voted for Hughes, Harding and Coolidge."

Popular Conceptions of Political Exploitation. A case presented by a correspondent (Charlton Alexander, by name) to a "Letters from the People" column of a daily newspaper will serve to show how the sophisticated "man on the street," who has been so much blamed for his indifference toward crime and bad government generally, looks upon the political phase of official exploitation. The letter follows.[1]

Mike was bending over a box of oranges, removing the tissue wrappings and stacking them in a neat pile on his corner fruit stand. I stopped to shake his hand and exchange trivialities.

"Good morning, my friend," I began. "Aren't you afraid to leave that cash register out here with the drawer open?"

He straightened up and looked at me quizzically for a moment. "Me? Why should I be? Nobody ain't gonna bother it."

I changed the subject. "I see they captured that notorious killer, Fred Burke. That fellow who tipped off the police ought to get at least half that $90,000 reward, don't you think? Pretty soft."

"I ain't gonna turn nobuddy over to the dicks — for NO money."

"You mean —"

[1] From the St. Louis *Post-Dispatch*, April 3, 1931.

"Sure — why, sure! Why should I? They just like the crooks — they're in wid 'em — from the President of the New Nited States, all de mayors, de guvners, the lawyers, the dicks is all crooked and getting theirs — I say, give 'em nothing; tell 'em nothing; let everybody go crooked and get theirs, too."

"But, Mike, don't we need the protection of the Government? Maybe your turn will come next and you will need them badly."

"Who, me?"

Mike is a peaceable citizen, works hard and late; always treats me squarely; but he is wrong, or at least, mostly wrong. But draw your own conclusions — they will probably be better than mine.

Exploitation by Bosses. Another method by which the government is made a chief, but a more or less invisible, agent in the exploitation of the people is described in the selection on boss rule which follows below. This is a peculiarly illuminating example of secret political control by an individual — the boss — who quite consciously sets out to develop, own, and manipulate a political machine, whose use he is ambitious to sell to whatever interest will purchase it, regardless of considerations of the public welfare. This is an institution which has flourished remarkably in this country, where practically everybody has the privilege of voting, or of being voted. It is also one of the chief aids to the exploitation of the masses who support the political machine, as well as of those more thoughtful citizens who oppose it. It can truthfully be said that most of its supporters sell their right of the ballot for a mess of pottage or two, whereas, if they were sufficiently intelligent, they might achieve good government. The selection follows.[1]

Every form of government develops its own types of leadership. Some forms breed demagogues, others statesmen, others military adventurers, others seraglio intriguers, others masterful orators. Ours breeds bosses. From a scientific point of view the system of boss-rule is one of the most perfect and beautifully complex developments of modern civilization. It is a convincing illustration of the possible stability of a pyramid resting on its apex. The apex on which the boss rests his pyramid of government is a body of a few hundreds or thousands of men, who agree to render him any political services required in exchange for support at the public expense or protection in unlawful occupations. This force he employs to gain possession of the machinery of a party — preferably the one locally dominant.

Unless there is a rival boss in possession, this is not hard, for it is an unprofitable political servant that can not make the tour of a dozen primary polling places, and deposit at least one vote at each in the course of a day. Against such a force, an undisciplined mob of reformers, limited to one vote each, and giving politics only such attention as they can spare from more serious occupations, is as helpless as an infant Sunday-school class against a regiment of regulars. When there are two aspirants for the boss-ship, the one that gets control of the membership rolls and the counting machinery of the party wins. So conclusive is this preliminary test of strength considered, that the embryo boss who fails here generally declines to

[1] Adapted from S. E. Moffett, *Suggestions on Government* (Rand, McNally and Co., Chicago, 1894), pp. 184–191.

trouble himself with the useless formality of voting his followers at the primaries, but either bolts or makes terms with his successful rival, and waits for a more favorable opportunity.

Having once carried the primaries, the new political leader finds easy sailing thereafter. He holds a convention and nominates a local ticket, which, by virtue of its "regularity," commands the support of the entire party and is duly elected. The retainers who have made the victory possible are appropriately rewarded, some with city offices, some with contracts or jobs under contractors, and some with police protection in dive-keeping, and other less reputable occupations, whose profits depend on a good understanding with the governing powers. The hold of the boss on the party machinery is strengthened by purging the rolls of the precinct clubs or associations of unruly members, and manning the organization throughout with officers who can be depended upon to let in only the right kind of votes at the primaries, and to correct in the counting any mistakes that may accidentally occur in the voting. The dictator is now in a position to make the political war pay its own expenses, and a handsome profit in addition. Beside the regular percentage on salaries, which his retainers in office cheerfully pay as the skipper's proportion of the booty captured on a successful cruise, he levies assessments on rich corporations in need of official favors; on large property-holders who wish to pay small taxes; on saloon-keepers who desire to conduct their establishments under liberal interpretations of the laws; on gamblers, confidence men, and other followers of vicious professions; on purveyors of public supplies; on contractors for municipal work, and in short on everybody whom the local government can either help or harm. His power brings in wealth and his wealth procures more power. He sends a solid delegation to the State convention of his party, and, by judicious combinations with the friends of candidates from different sections, he allies his machine with the State organization, and through it, if successful at the polls, with the State government. He sends another solid delegation to the Legislature, and markets its votes on the most favorable terms. Finally, if ambitious, he exerts his power as a State leader in the national convention, and later, under favoring conditions, his trades with the boss of the other party for local offices may determine the choice of a President of the United States. This is the mighty pyramid that rests upon the apex of a little band of political men-of-all-work willing to devote their entire attention to the duties laid out for them by their employer. And the curious thing about it is that this delicately balanced pyramid is in a state of stable equilibrium. When disturbed it always tends to return to its position on its point — never to one on the broad base of popular rule. If, by a superhuman effort, it is set squarely upon its base, it rolls over on its point again as soon as the reformers who righted it let go their hold.

This apparent paradox is merely the inevitable outcome of the principles of human nature. The boss wins because at each stage of his proceedings his forces are stronger than those of his opponents. His drilled mercenaries are more effective for carrying primaries than the undisciplined levies, hampered by the troublesome impedimenta of conscientious scruples, that oppose them. When the primaries are carried, he has at his disposal the potent force of party spirit. His fortunes in the campaign are linked with those of the national organization that holds a prescriptive right to the support of a majority of the voters of the city. Opposition to his ticket is disloyalty to the party. When he has attained power he commands the alliance of the great interests that consider it necessary to stand well with the authorities; and all the men for whom he has procured office or other favors, together with their relatives and friends, are diligent workers in his behalf. Here, as

everywhere, it is the first step that costs. The first primaries of the boss correspond to the millionaire's first ten thousand dollars. After the foothold is gained, power flows in on one as wealth on the other. And even a complete victory at the primaries is not indispensable, unless there is another boss to fight. When there are only unorganized reformers to contend with, the boss can win if he can control a third or a fourth of the delegates in a convention. With that force available for trading, only a few judicious combinations are needed to secure a majority.

The boss invariably has a corrupt alliance with certain local or national economic interests that are seeking privileges, in the form of franchises, contracts, subsidies, tariffs, and the like, from the municipal or state or national government. The boss sells out the interests of the people and makes the people a party to the deal in the manner described above.

Political Patronage as a Means to Exploitation. Very similar, but somewhat less secret, are the ways of political patronage. By means of it the president or the governor is able to compel support for his legislative program, good or bad as it may be. With its aid both good and bad representatives of the people are able to stay in the national congress and in the state legislatures. But its use is more often bad than good. The following case, set forth in an editorial in a metropolitan newspaper,[1] illustrates some of the more glaring and frequent perversions of public welfare that grow out of the patronage system. Quite frequently the printing patronage constitutes the strongest hold that a political machine has upon the political suffrage of a state. In order to get the lucrative printing contract the local newspaper becomes a dyed-in-the-wool advocate of the machine and organizes support for it throughout the county. Such a patronage tie-up is often very difficult to break down. The other matter, of reputed leniency in the administration of the laws in behalf of a campaign contributor, sometimes with scandalous results, as in the case of the Young brothers (convicted of violating state laws) here referred to, also is not uncommon in the field of partisan and corrupt politics.

The Democrats in the Missouri Legislature have no more solemn obligation than to smash the Becker machine. The Becker machine has greater power for evil than any other single agency in the politics of the State, and it was largely because of its work that the people elected a Democratic Legislature.

Happily, the Democrats of the House have already addressed themselves to this cleansing job. The Hammett bill, which they are supporting, would take away from the Secretary of State and turn over to county courts the designation of newspapers which are to print proposed amendments to the Constitution. Since these proposals must be published by one or more newspapers in every one of the 114 counties, and the matter of price is not very much inquired into, the control of this printing has in it the germs of great political power. Becker used it even too well. At any rate,

[1] Adapted from the St. Louis *Post-Dispatch*, Feb. 7, 1931.

his newspaper machine became a public scandal, and it is one of the first objectives to which the new Legislature is addressing itself.

The Democrats should do more than take control over this printing out of Becker's hands. They should also move the blue sky department back where it was before it passed under the Becker aegis. . . . That transfer made Jefferson City a stench in the nostrils of the State.

A whole train of evils, constituting in their entirety one of the most malodorous chapters in the history of Missouri, resulted from it. . . . One of the Young Bros., who put over one of these fake and swindling schemes, contributed $500 to Becker's campaign fund. . . . The Democrats can render the cause of good government a signal service by first dry-cleaning the blue sky department and then restoring it to its original setting in the Banking Department.

Blackmail. As a final illustration of methods of political party exploitation we present a case of blackmail. Many other cases might be cited of the use of incidents involving illicit relations with women, gambling debts, family pride, intoxication, or some other embarrassing situation, to exploit the victim. Often the blackmail takes the form of financial exactions, but in this case the "tight corner" was used to exploit the masses of the people through their elected representative.[1]

In the good old days when the third house (the lobby) was at its height in numbers and influence there was usually a generous sprinkling about the statehouse of daughters of the gods divinely tall, and correspondingly alluring, and not infrequently they were employed as factors in influencing legislation. . . . In one of the sessions of this period . . . occurred the hatpin episode, whose story went its frequent and jesting round at the time and which scarcely deserves notice now save as illustrative of the practices of the time and because of its direct influence upon the legislation of the session.

Among the legislators was a certain administration member whose feet were not of too enduring material. Either in a spirit of sport or of Machiavelian design someone conceived the idea of winning him over by throwing an unprincipled woman across his path. It was arranged with the woman that while posing at a mirror with him by her side passing upon her appearance she should, seemingly by accident, scratch him across the cheek with a hatpin. The pact was carried out and the legislator duly appeared with a scratch across his cheek. The conspirators immediately surrounded him and in seeming solicitude asked the cause of his accident. He explained that he had fallen against a sharp corner of his dresser. A loud guffaw greeted his answer. "Ha ! ha ! ha !" came in a chorus; "well, old boy, the drinks are on you, but we'll pass you up this time if you'll vote right on the railroad bill when it comes up. Oh, you can't explain; we've heard all about it and — we can produce the woman. We've got the goods on you. You surely don't want to scandalize yourself and your family?" He voted against the bill. The reprehensible little ruse had worked. But his conscience worrying him at the betrayal of his pledges, he finally made a full explanation of the affair to Governor LaFollette. "You should have called their bluff," said the governor grimly, "and seen if they had dared carry out their hellish plot to the end. I doubt if the cowards had."

[1] From Albert O. Barton, *LaFollette's Winning of Wisconsin* (The Author, Madison, Wis., 1922), pp. 257–258.

Exploitation within the Law. The most common form of exploitation is probably that exercised by financial institutions operating within the letter of the law, although they may not be conforming to higher moral and social welfare standards. This is a favorite method of exploitation because, being legal, it is also safe. "The law" is being constantly extended to cover more and more of those cases of legal or tolerated forms of fraud referred to in Chapter III and as a consequence the practice of fraudulent exploitation becomes increasingly difficult, unless new loop holes not yet closed by prohibitive legislation can be found. Two interesting attitudes are to be observed on the part of those who practice such procedures for the sake of profit. Most business men of this type have developed what might be called a legal conscience with respect to their business transactions. Anything that comes within the law seems permissible to them. Others, who might not willingly follow such methods of exploitation by preference, nevertheless will do so when caught in a "tight place" rather than themselves suffer loss. In such cases they are prone to look upon the matter as a case of "let each one take care of himself as best he can." In ordinary social intercourse it would be regarded as disgraceful to apply such a rule, but business makes for itself a more ruthless and less altruistic code of morals. In discussing these methods of exploitation within the law, we shall use cases and analyses presented by a distinguished American political scientist and historian, Professor Charles A. Beard, before the Committee on Interstate Commerce of the United States Senate.

How the Banks Control the Railroads. It is not possible to represent here all of the methods of business exploitation within the law. We shall therefore limit our illustrations to three closely related procedures, all of which involve the relations of banks and railroads. It should be remembered that in each case the procedures are not illegal and most big business men would not regard the methods used as exploitive. The first method presented shows how, according to Professor Beard's analysis, the banks manage to control the policies of railroads even when forbidden to have representatives on their boards of directors.[1]

A good many men now in Congress remember the passage of the Clayton Act in 1914 during the administration of President Wilson. They remember the inclusion in that act of the words forbidding the banker of a railroad to sit on the board of directors of that railroad. It was thought that Congress was in this way going to free the American railroads from the control of the bankers. You remember how this prohibition, which was to go into effect in two years, was held off four years longer. Finally, the law went into effect. The biggest bankers and their lawyers

[1] From the testimony of Charles A. Beard as recorded in Hearings of the Committee on Interstate Commerce, U. S. Senate (Sen. Res. 71 of the 74th Congress, First Session, Washington, 1935), pp. 9–10.

found it easy to circumvent the law. They placed their nominees on the board of directors of the railroads. Investigations have drawn from the railroad officials the bare-faced admissions that they went to the bankers at the time that the bankers were obliged to get off railroad boards and asked those bankers who should be made directors in their place. For example, see the testimony of Edward M. Brown, chairman of the board of directors of the Frisco Railroad, who admitted that he went to the bankers to have them tell him what persons should take their places on his board of directors.

The depression has tightened the grip of the bankers on the railroads of the country. Let us take as an example the so-called "Van Sweringen railroad empire," in which the American public has invested approximately two billion dollars. These railroads extend from the Atlantic Ocean to the Rocky Mountains and from the Great Lakes to the Gulf of Mexcio. The Van Sweringens are supposed to control them. The Van Sweringens do not control them at all. The real control is in the hands of the bankers for the Van Sweringens — J. P. Morgan & Co. and a New York banking syndicate formed by J. P. Morgan & Co. This Morgan syndicate is a creditor of the Van Sweringens in the amount of $48,000,000. The Van Sweringens are in no position to pay this huge debt. The collateral which the Van Sweringens gave the bankers is hardly worth more today than the paper on which it is lithographed. Only by financial wizardry could the Van Sweringens pay off the bankers. The Van Sweringens occupy a chair at the railway poker table, playing with the biggest chip in the game, but behind them stands the Morgan banking syndicate with the power at any time to deprive the Van Sweringens of their seat at the table and to send them to the bread line. This example, an example dealing with the greatest prize in the American railway system, shows how tight is the grasp of the New York bankers on our railways today and how much tighter the very depression has made their grasp.

The Reorganization Game. The reorganization of companies in receivership or otherwise incapable of meeting their ordinary financial obligations has long afforded an opportunity to those creditors with adequate financial power and legal advice to secure preferential treatment. The small creditor usually considers himself fortunate if he recovers anything at all, while the large creditors may fare much better. Likewise, the lawyers and bankers who handle receiverships and reorganizations are frequently allowed by the courts to charge fees of astonishing size in view of the small amounts that remain for the stockholders and creditors. The case which follows is somewhat different from this type of situation and has to do with the methods employed by banks to secure the control of reorganized railroads. The same sort of procedures are used in connection with other businesses as well. In practically all such cases the stockholders and creditors suffer and the reorganizers profit. Professor Beard's analysis of this procedure refers in the first sentence to the evils detailed in the quotation above and then proceeds to the case in point.[1]

[1] From the testimony of Charles A. Beard as recorded in Hearings of the Committee on Interstate Commerce, U. S. Senate (Sen. Res. 71 of the 74th Congress, First Session, Washington, 1935), pp. 17–19.

You will be told that the reorganization of bankrupt railroads will change all this, but anyone who pays any attention to experience will find that reorganization has been the inevitable method, not for dislodging, but for entrenching, banker control of railroads. Take the last big railroad organization, that of the Chicago, Milwaukee & St. Paul Railway, which was reorganized in 1928. This was seven years after the Clayton Act had apparently freed the railroads from banker domination. This railroad was reorganized by Kuhn, Loeb & Co., a New York banking firm. In this reorganization these bankers arranged for themselves a big majority of the board of directors. . . .

The Reconstruction Finance Corporation was created in January 1932 to help needy railroads and needy banks, as well as other institutions. It was not created to help banks which did not need help. It was not created to help the private bankers; in fact, though the bill as originally introduced in Congress proposed that help should be available to private bankers, the phrase "private bankers" was specifically stricken out of the bill by the United States Senate.

Before many months had passed, the big banks which did not need Government help, and the big private bankers, who had been expressly excluded from the statute, both got Government help by using the railroads they controlled as intermediaries for getting Government money. They even used as "dummies" for this purpose railroads which were in need of receivership and reorganization and should not have had Government money at all if they were to go into receivership and go through reorganization, such railroads as the Missouri-Pacific, the Chicago, Rock Island and Pacific, the Chicago and Eastern Illinois, and the Wabash. . . .

But this was not enough. We have other evidence of the standards of the big New York banks in control of railroads when they dealt with the Federal Government as lenders of money to those railroads. In the *St. Louis-San Francisco Railway case* the Government lent several million dollars to the railway at a time when it did not have an adequate security for the loan. Under the law it was necessary for the borrower to provide adequate security. In order to get around this provision of the law, the Wall Street group devised a plan which stretched the law. They said they would reorganize the railroad, and in that reorganization they would create a new mortgage of higher rank than any other mortgage on that road. . . . They then said that they would issue the new mortgage bonds to the Government as collateral for the loan. This proposition was acceded to largely through the efforts of a Government official who is no longer in office. . . . All these . . . firms signed written promises to the Government that they would help to arrange a reorganization on the terms proposed, and if the reorganization as first put out did not go through, they would put out a modified reorganization under which the Government would get the adequate security for its loan that was promised to it.

Each of these . . . banking houses had one of its representatives on the board of reorganizers of the railway. Chase National Bank had, in addition, two of its directors on this board of reorganizers. The thing looked like a safe proposition to the Government. It looked as though, no matter what happened, there would be a reorganization plan, and securities under that reorganization plan would be delivered to the Government for the loan it was asked to make in 1932, securities fully adequate to protect the Government's loan. The Government advanced several million dollars in reliance on these promises of the bankers.

Eighteen months later the reorganization plan was kicked overboard by the reorganizers themselves, including the representatives of all these banking houses. The Reconstruction Finance Corporation wrote a letter to the reorganizers and called attention to the promise to give the Government adequate security for its

loan, as required by law. Unless this were done, the stretching of the law in 1932 would have been carried to the point of breaking the law. Both the reorganizers and the Government officials had been placed in a position of violating the express mandate of Congress. What did the reorganizers do in these circumstances? They wrote a letter to the Reconstruction Finance Corporation saying that they had fully complied with their obligation to the Government, although they had failed to put up the reorganization securities called for by their written promise. The so-called "protective committees" organized by these reorganizers wrote letters to similar effect, similarly containing repudiations. . . . The result was that a loan of several million dollars was made by the Government to the St. Louis-San Francisco Railway Co. without the adequate security required by law, and the promise made by the reorganizers to provide such security was not performed and was openly repudiated.

That is the way these big financial institutions, prominent and powerful in railroads and railroad reorganizations, deemed it proper to deal with the United States Government as recently as 1932, 1933, and 1934. . . .

Speculation at the Railroad's Expense. The last illustration from the testimony of Professor Beard has reference to the speculative buying of stocks by banks and charging up the loss to the railroads. Professor Beard does not deny that the bank in question may have been requested by the railroad management to purchase the stocks referred to, or that this bank may have executed a commission in good faith. But his analysis does seem to imply that the stock-holders, who were the losers, were not consulted and did not authorize the purchase. If it was authorized on the sole responsibility of some official of the railroad, he was perhaps morally, if not legally, obligated to the stock-holders and creditors of the railroad for the losses incurred.[1]

Bankers and the financial heads of railroads, seated in their offices in the Wall Street section of New York, have embarked their companies on stock-market speculations without getting prior authority from their boards of directors, without giving their boards of directors any prior notice, without even consulting the executive committees of their roads. . . . Invariably, after the transaction had been completed, even when a heavy loss had been incurred by the time the matter was taken up with the board of directors, the losses of these speculative transactions were unloaded on the railway companies.

Let us take, for example, one known to us, the case of the Frisco Railway. Let us take an incident in the recent history of this railway, an incident relating to the buying of stock by the bankers of the railroad and the unloading of this stock on the road after the market price of the stock had dropped precipitately. For this purpose we shall take the purchase by Speyer & Co., the bankers of the St. Louis-San Francisco Railway Co., of 25,000 shares of the stock of a southern railroad called the Gulf, Mobile, and Northern. Speyer & Co. bought this stock in 1929. The purchase cost a little under $1,000,000. A year later, in December 1930, the market value of the stock was about one-third what it cost the bankers, the market loss was

[1] From the testimony of Charles A. Beard as recorded in Hearings of the Committee on Interstate Commerce, U. S. Senate (Sen. Res. 71 of the 74th Congress, First Session, Washington, 1935), pp. 30–32.

approximately two-thirds of a million dollars. The bankers had the stock. If this situation remained unchanged, they would have to bear the loss. . . .

This was remedied. And how? The bankers claimed they had bought the stock for the St. Louis-San Francisco Railway. They said they had bought the stock on the order of the chairman of the board of directors of the railway company for the company. It so happened that this man had been put on the board of directors by the bankers themselves. The bankers wrote him a letter, saying they were confirming the arrangement to buy the stock for the road. This was in December 1930, a year after most of the stock was bought by the bankers. The chairman of the board took this letter to the board of directors the very next day, and this board, which had in its membership friends of the bankers, promptly ratified the deal.

The Interstate Commerce Commission, when it subsequently learned of the transaction, decided to investigate. The procedure seemed somewhat weird, indeed. If permitted generally, it would give extraordinary opportunities for fraud. For an entire year there had been nothing in writing to show that the purchase was made for the railway company. There was nothing whatsoever on the books of the railroad to show that it had ordered the purchase of the 25,000 shares of stocks. Under such circumstances, everything reposed in the minds and consciences of the bankers and of the chairman of the board, whom they had selected as a director of the railway. If the market had gone up, there was nothing in the records to prevent the bankers from treating the purchase as one made by themselves for themselves, and they could have pocketed all the profit. If the market went down, they could run to the railroad and ask it to shoulder the loss. . . .

With respect . . . to stock buying and speculation by railroad bankers and the railroad heads for whom they are responsible, speculation with the funds of the railroad companies, but without prior authorization by the boards of directors, quite a few examples are already at hand. They have been found in the recent history of the Missouri Pacific Railroad Co., the Chicago, Rock Island & Pacific Railroad Co., and the St. Louis-San Francisco Railway Co. How many more there were, how much money was involved, and how great was the loss to the railroads and their security holders — these facts will only be developed through inquiry by an appropriate committee of the United States Senate, equipped with power to get the facts.

The Public's View of These Practices. It may be a mistake to assume that the public as a whole concerns itself particularly with matters of this kind. It is perhaps too much preoccupied with the baseball news, racing results, "policy" swindles, Irish sweepstakes, night clubs, movies, radio horrors, humor and mush, and other forms of commercialized amusement and exploitation in which the public's members hope to share, legally or illegally. But now and then someone shows an intelligent interest in what is going on in society. The comments of a newspaper correspondent, who signs himself "Old Telegrapher," illustrates this civic interest. He says,[1]

Your editorial about Mr. Kurn and the Frisco System was just in time, while we were reading on your front page what the bankers of Wall Street had done to the Frisco.

[1] From the St. Louis *Post-Dispatch*, March 13, 1935.

This is not news to anyone of the older generation. It has been going on since 1879, when Jay Gould and his band of hijackers plundered everything they laid their hands on. The set of bankers having to do with the railroads at present are proceeding along the same lines. The only difference is that today there is far more wealth to be obtained by the hijackers than there was in Gould's day. These men will continue their tactics as long as the law of the land permits them to do so.

Mr. Kurn knows all this; so does every railroad official in the land. As Mr. Kurn so clearly shows, after getting rid of banker control, then and only then will the roads pay. When the railroads were the only means of transportation, they made plenty of money. Yet the bankers thought nothing of wrecking them. Don't think for a second these men have reformed; they are on the inside and they always get away with their ill-gotten gains.

Exploitation by the Armament Makers. The forms in which business and financial exploitation are perpetrated are far too numerous to permit even that they should be listed here. However, one especially unscrupulous form of exploitation, which does not stop even at war making and the wholesale destruction of life and property in its international war making, must be described.[1] The conscienceless exploitation of the armament trade has become one of the major menaces to our civilization, because it is perhaps the chief obstacle to the abolition of war, which more than anything else threatens to destroy civilization and return the world to that barbarism from which it has so slowly mounted through the ages. Of course the incentive back of exploitation by the armament makers, so well illustrated by the selection that follows, is the hope of large profits from the sale of death dealing machinery and explosives.

While American arms manufacturers . . . have been active recently, those in Europe also have not been idle. The present situation on the international arms market is parallel to the situation in the years between 1910 and 1914. In 1913 and 1914 there was a feverish activity in armament shares on every European exchange. Today, just as then, the "wise money," the prominent bankers, industrialists and speculators, are increasing their holdings in armament shares and stocks of those allied industries that provide the raw materials for armaments. In July, 1914, Sir Basil Zaharoff increased his holdings in Vickers-Armstrong [British armament manufacturers] shares, and so today the files at Somerset House show that great blocks of British armament and shipbuilding shares are changing hands daily.

During the past five years, armament firms have increased their capital and expanded their profits, as they did before 1914. For example, in 1909, the profits of Vickers amounted to £424,000; in 1910 they reached £474,000. In 1911, the year before the war scare, they rose to £544,000, to increase within the following two years, including the year after the war scare, to nearly double this amount, about £872,000. Similarly, Vickers has increased its profits during the last five years by approximately 12 percent a year; the annual dividend of Skoda [armament makers of Czechoslovakia] rose from five percent in 1920 to 28.5 percent in 1930. It appears that armament firms have always been correct when they anticipated war, and made preparations for handling increased output. Vickers, for example,

[1] From *The New Republic*, LXXIX : 32–33 (May 23, 1934).

increased its capital half a year before the outbreak of the Boer War, and then again in 1913 increased it by £740,000. This firm is now financing itself by keeping dividends as low as possible, thus increasing reserves by one-third during the past three years. How accurately Vickers anticipated the Great War may be seen from the fact that the £740,000 increase in capital was sold at a premium of ten shillings a share. In the year following, profits rose to £1,000,000.

Wars are usually preceded by war scares, which lead to an increase in the armament budgets of the nations concerned. The creation of a war scare is a simple matter for any astute director of an armament firm. A war scare usually indicates that industrial conditions in the country concerned will soon improve, for these war scares are so effectively proclaimed that public opinion is prepared to stand all possible effects this war may have upon the national-defense budget, effects that can only benefit the arms and allied industries.

For example, in the years 1906 to 1909, there was a distinct rise in unemployment and generally slackened industrial activity in Great Britain, under which the shipbuilding industries suffered particularly. On May 13, 1906, Mr. H. H. Mulliner, then managing director of the Coventry Ordnance Company, supplied the British Admiralty with what were later proved to be faked documents containing information regarding "gigantic preparations for an enormous increase of the German navy." A week before that incident Mr. Mulliner was afforded the opportunity of giving evidence before a secret Cabinet meeting concerning the "terrifically accelerated production of armaments in Germany," and was subsequently permitted to tell the House of Lords that "a terrible awakening is in store for us at no distant date." All these maneuvers resulted in the famous naval scare of 1909 with its favorite slogan, "We want eight and we won't wait." Ten days after Mr. Mulliner's presentations, the British naval estimates for 1909 to 1910 showed an increase of £2,823,000, although Mulliner's charges were discredited in a subsequent debate in the House of Commons. None the less this episode initiated the naval race between Great Britain and Germany, a race that produced a rapid restoration of prosperity to British shipbuilding and related trades.

Ever since the international post-war decline in industrial and commercial activities has been stabilized into what is commonly called "the depression," armament firms without exception have been occupied in a fashion that is in no way different from those pre-war days. The international armament, shipbuilding, aviation and allied industries have been experiencing a boom for the past two years. Underlying the world economic revival, which so many experts have been able to observe of late, a large influence has been the tremendously increased activities in those trades that are directly or indirectly concerned with the manufacture of arms. Wherever these activities have occurred — the nickel boom that has given such an impetus to Canada's export trade, or the quadrupling of the exports of Belgian iron ore to Germany during the past year, or the purchase of several hundred vessels by Japan for the sole purpose of breaking them into scrap iron — none would have been possible but for the boom in the arms trade. The French armament industry actively supported Hitler's election campaign, with the result that today French steel furnaces are working in two shifts. That times have not changed since 1910, and that it is still a common practice among armament makers to resort to the foulest possible means, bribery, corruption and the dissemination of faked reports concerning military expenditures of other nations, simply in order to produce a "scare," may, for example, be seen from the events that led to the Rumanian-Soviet scare of 1930. This was later described in the Rumanian Chamber by Dr. Goga, a Cabinet Minister, as follows:

"You will remember the formidable panic that seized the public in Rumania during the summer of 1930. In the press, in public meetings, above all, in the homes of Bessarabia, only one thing was discussed — the imminent invasion of the Soviet army. Russian troops, so it was said, were concentrated at Tiraspol on the Dneister, ready to invade Bessarabian territory.

"I personally was the dupe of these rumors and I started to bombard the members of the Regency with questions as to their policy, since it seemed certain that the Russians were going to attack us and that our army was not prepared. Finally I asked an audience of Prince Nicholas and the Patriarch, members of the Regency Council, to find out the opinion of the situation in influential circles.

"But on the day of my interview with the Patriarch the alarms ceased like a miracle. The vast maneuvers that had produced so great a panic evaporated as by the waving of a wand. The Patriarch received me with the following words: 'Come, Mr. Goga, why all this agitation? You can now rest assured that all will be well. We have just sent a large order for war material to the Skoda works.'

"Then, gentlemen, I understood. I was forced to recognize that I, like everyone else, had been the victim of an extremely clever piece of wangling. Since that time, I have always accepted news concerning the danger of 'imminent conflict' with more prudence."

Hundreds of other examples could easily be given. The guerilla wars that have been going on during the past three years in South America were only possible because of the unrestricted private manufacture of arms. Countries like Bolivia, Peru, Paraguay, and Colombia would have had nothing to fight with had it not been for imported arms.

These incidents are symptomatic of what is going on today in all parts of the world. A capitalist order that is moribund hopes to get a new lease on life by an economic revival artificially produced by an increase in the output of those industries that manufacture instruments for the destruction of human lives. A situation has developed that is analogous to the situation in 1913. As a result of subtle propaganda and the skillful creation of war psychology, international capital in general, and the international arms trade in particular, have started the Great Powers on an armament race that makes the chance of war greater.

War-Making for Profits. In this selection the editor of *The New Republic* charges that not only do the armament makers promote war scares for the sake of profits from the sale of their wares, but that capitalistic business in general fosters war scares and even wars themselves for the sake of reviving their business and making profits. Since the editorial quoted above was printed the investigations of the Nye senatorial investigation committee (1934–1935) have confirmed the principle laid down in the editorial. Another interesting illustration of the war exploiter's attitude is furnished by an editorial in the Cleveland *Plain Dealer*, which follows in part.[1]

It is still possible to hear Americans who appear to have a normal I. Q. say: "What we need is a good war." They admit the smug selfishness of such a suggestion as they hasten to explain that, of course, they don't want a war in which Americans would be involved. But they smack their lips over the profits which

[1] From the St. Louis *Post-Dispatch*, April 5, 1935.

they believe would come to America if two or more major nations clashed and turned to Uncle Sam to buy everything from projectiles to pork.

Such people conveniently forget the havoc which the unpaid bills of the last war are still occasioning throughout the world. They scoff at the idealists who warn of the social and human devastation which any major conflict could not fail to bring to all nations. We're practical, is their retort.

Organized Crime as a Business. Unorganized, individual robbery conducted by wandering or organized accidental bands, is a very ancient, although a declining, form of violent exploitation. But financial crime as a business form of exploitation, although quite common at the present time, is less familiar to most people. The so-called "fence," or receiver of stolen goods, who pays a fraction of their worth and sells them at a large profit to cover his risk, is an old institution, although the public at large rarely come in contact with this practice. Kidnapping is also very old as a practice, but it has come especially into public notice in recent years, partly because it has become a highly organized "gangster" business and partly because the public conscience has been strongly aroused regarding it. Many other forms of "gangsterism" have a very similar business and moral history. These practices are not themselves so new, but the making of them into heinous crimes is perhaps somewhat recent and has served to call them more vividly to popular attention. The following editorial from one of the more public spirited daily newspapers expresses both surprise and moral indignation at the practice which it describes.[1]

That crime has become a business in the United States was abundantly proved in St. Louis yesterday, when robbers who looted the Grand National Bank last May returned $822,000 worth of bonds for a reward of $140,000.

This deal was manipulated through a bonding company which insured the bank against burglary, and it was carried through after more or less public negotiations covering weeks. Meanwhile, neither the Police Department of St. Louis nor the Circuit Attorney, nor any other agency for the enforcement of the law, knows officially who the robbers are or the intermediaries through whom the loot was returned for a price.

This is a remarkable proceeding, and to permit it to rest where it is would be to admit that crime has become a recognized business. The people of St. Louis, we are quite sure, will refuse to admit anything of the sort. We can sympathize with the natural desire of the owners to recover stolen property. Nevertheless, in these circumstances it is the business of the grand jury to step in and demand to know all about it, who the robbers are, and, of equal importance, who all the intermediaries are.

No more incredible tale could be related of any law abiding community than the story of these negotiations and their final success. The price to be paid was variously quoted. The state of negotiations was sometimes promising and at other times discouraging. Presumably the welfare of society takes precedence over every other consideration, but throughout the course of negotiations for return of the

[1] From the St. Louis *Post-Dispatch*, February 21, 1931.

Grand National Bank loot the police and the Prosecutor were out of it. Representatives of the bonding company and the bank as go-betweens attended to the strange and disquieting business of recovering the loot for a price without apprehending the robbers.

Mr. Myers, resident vice president of the Fidelity & Deposit Co. of Maryland, into whose custody the stolen bonds were delivered, is quoted as saying that the details of the negotiations are not of public interest. Upon the contrary, they are of the most vital public interest. We have here the beginning of another and very dangerous racket. If the Grand National Bank can be robbed, and property taken from it returned for a price through a bonding company, then other such robberies and such deals can follow, with the consequence that the prices paid for recapture will be translated into increased insurance rates.

The grand jury should go to the bottom of this mess. If thieves can barter with their victims over the heads of the police and outside the law, then the power of the underworld has become greater than the power of that world of security which we had fancied to be the first safeguard of us all. Nor is there any difference in principle between what has just happened in St. Louis and the celebrated thieves' market for so long maintained in the City of Mexico. Certainly we have not come to that.

Efforts to Prevent Government from Becoming a Partner in Criminal Business. It is a fundamental principle with criminologists that increase of civilization brings with it a temporary increase of statistically recorded crime, not because civilized people are worse, but because they are so much better that they make many of their worst practices criminal by attaching legal penalties to them. Thus, as the editorial quoted above intimates, many backward countries tolerate thieves' markets. It is the hope of the editor that our country will not. We are now — if New Deal policies are anything more than political gestures — apparently in the process of outlawing war, of penalizing holding company exploitation, of forbidding many indefensible sharp practices on the stock exchange, and of declaring immoral hundreds of other business practices which hitherto have been passed over in silence by everybody except a few moralists and reformers at whom the majority of people have poked fun.

The close connection of crime organized on the basis of business principles with a corrupt police and a legal profession, often more intent upon serving evaders of the law than upon bringing them to justice, is further evidence of institutional exploitation, tied up with government on the one hand and with professionalism on the other. Political scientists have in the past frequently argued for municipal home rule in order to prevent the city from being exploited by corrupt state legislatures and by the "state house gang," as the state administrative body has sometimes been called. A correspondent of a daily paper argues against police home rule on the opposite ground, that to place the police under the direction of the local political machine would

render it an even more dangerous tool of political exploitation. His contention runs as follows.[1]

> This bill [for police home rule] is nothing more than a scheme to turn over control of our law enforcing body to the ward politicians.
>
> We have just witnessed in Chicago the disgraceful spectacle of police officers on duty and in full uniform wearing beside their insignia of office badges bearing the inscription, "Thompson for Mayor," and a quartet composed of patrolmen directed by a Sergeant singing at meetings in furtherance of Thompson's candidacy.
>
> What happened in Chicago yesterday may happen in St. Louis tomorrow.
>
> The front pages of the papers are daily carrying accounts of wholesale graft and corruption in the police departments of our large cities where the ward heelers have control of the police machinery. . . .
>
> Enactment of the measure will be a very bad thing for the citizens at large, but will prove very beneficial to the Republican machine. It will mean the addition of over 2000 more workers, who by reason of their vested authority wield a powerful influence over the public, whether exercised for good or evil.
>
> It would also enable the machine to collect an additional campaign fund of more than $50,000 under the guise of "voluntary" contributions, and thus the already powerful machine would become invincible and perpetuate itself in office until the crack of doom.
>
> Legislator Mueller promises to submit amendments to the bill that would keep the force out of politics. This is an empty gesture, as the proposed amendments would be of no avail.
>
> Our City Charter contains an ironclad civil service provision which explicitly prohibits the assessment of city employees for political purposes and their active participation in partisan politics.
>
> How these provisions of the Charter are brazenly and flagrantly flouted and violated must be apparent to every voter who has observed the hordes of city employees working at the polls in the interest of machine candidates.
>
> This catch cry of "home rule" is being worked overtime.

When Officers of the Law Join with Criminals to Exploit the Public. If the police are so often the aides of the politicians, who are in turn frequently the agents of invisible criminal exploiters, it is even more serious when we find lawyers, bondsmen, and even judges and the criminal law itself, either tacitly or openly, supporting the criminal exploiter. The Chicago investigation of the causes of the exceptional criminality in that city reported that it was largely the result of a three cornered alliance for mutual benefit among the politicians, the criminals, and the police of that city. Investigations almost without number have shown that professional bondsmen are among the chief aids to professional criminals. Many criminal lawyers are quite generally known to serve the interests of crime rather than of the public they have sworn to protect. Investigations in New York and elsewhere showed judges in the pay of criminal gangsters. In various jurisdictions circuit court judges and prosecuting attorneys have more than once

[1] From the St. Louis *Post-Dispatch*, March 3, 1931.

refused or neglected to order an investigation of election frauds, or to prosecute them when they had become matters of court record in other jurisdictions. Fortunately, we believe, such attitudes of protection for criminality do not predominate in our system of government, but they are sufficiently frequent to be a cause for serious alarm. Again we quote from a newspaper editorial indicating the editor's concern at the conditions he describes.[1]

Since the Hoffman case we have had the Grand National Bank robbery and return of the loot for a price with no questions asked. This remarkable crime apprised us that what had been a law-abiding community was actually operating a thieves' market. Crime had been recognized as a business. The gulf between lawfulness and lawlessness had at last been bridged, and the identity of those who passed to and fro for the first time caused society to doubt its own security.

The kidnaping of Dr. Kelley is therefore no surprise. Upon the contrary, it is only what can be expected to result from the degradation of the bar and the prostitution of the law. There will be other kidnapings and other shadowy deals at the thieves' market. How could it be otherwise when justice has ceased to be stern, when the lawyer is so oftentimes an enemy of society, when criminal procedure favors the criminal, when the courts are in some instances a perversion of justice, and when the power of the underworld at times extends to those whose fancied duty it is to safeguard the lives and property of the people?

St. Louis is not alone in thus having slept upon her direst necessities. Chicago did the same thing until she became the synonym for crime. Many American cities have been terrorized by the underworld because they let the crooked Judge, the crooked lawyer and the crooked bondsman run the town. The situation in Chicago at last became so desperate that society rebelled and publicly branded its enemies. The notorious Al Capone was public enemy No. 1. In all 28 men were thus publicly pilloried by the Chicago Crime Commission. . . .

The Stream of Justice Has Never Been Pure. Although the processes of justice are by no means perfect in our day, they are much more satisfactory than they were in earlier times. Those who are not familiar with the facts of history are very likely to suppose that what they see around them has always obtained. This method of viewing our institutions applies to the machinery of justice quite as well as to other social processes. We shall allow the historian Macaulay to recall to us the character of state trials before the English Revolution of 1688.[2]

The trials of the accused Catholics were exactly like all the state trials of those days; that is to say, as infamous as they could be. They were neither fairer nor less fair than those of Algernon Sydney, of Rosewell, of Cornish, of all the unhappy men, in short, whom a predominant party brought to what was then facetiously called justice. Till the Revolution purified our institutions and our manners, a state trial was merely a murder preceded by the uttering of certain gibberish and the performance of certain mummeries.

[1] From the St. Louis *Post-Dispatch*, April 23, 1931.

[2] T. B. Macaulay, *Critical, Historical, and Miscellaneous Essays and Poems* (Essay on Sir James Mackintosh), Chicago and San Francisco, 1888, II : 116.

On the other hand, we must not fall into the opposite error of supposing that all is well on the front of justice in our own time. The preceding pages have revealed some of the faults inherent in the present system of social control by means of the courts. The following paragraph from an editorial in a public spirited daily newspaper will aid us somewhat in locating the cause of the partial failure of this form of social control. The editorial writer is commenting on the inaugural address of Governor Starke of Missouri delivered at the time he took office in January, 1937.[1]

The grave omission from the message to which we referred is the Governor's failure to urge upon the Legislature a reform in our antiquated criminal code. For more than a decade, this has been one of the most pressing matters for legislative action, but, aside from a few measures of comparatively minor importance, nothing has been done. More, the public demand for a modern criminal code has been contemptuously brushed aside by a lawyer clique in the Legislature. Meantime, one occurrence after another, whereby criminals have escaped punishment for their crimes by taking advantage of technical devices and loopholes in the law, has scandalized the public.

Priestly Exploitation. Thus people are exploited by and through the very institutions which are supposed to protect them from exploitation. Surely the religious institutions would not participate in this process of extortion ! But, strange as it may seem, the less responsible religious bodies, leaders, and hierarchies have their own methods of exploiting the faithful. This they usually carry out in the name of the supernatural. Not only do religious organizations have a powerful weapon to aid them in their acts of extortion — the reputed power to withhold felicity and to penalize with eternal suffering in the hereafter — but they have also been very active and firm in withholding charity and even justice from those who show up their methods of extortion and exploitation. Therefore, only one case will be presented here, and that from a far away land.[2]

As soon as the shearing was finished, three Brahmins who had been hovering around carried the subject off to be fleeced. They were sharp fellows, those Brahmins, and I warrant they bled him to the last *pice*. The Brahmins of Allahabad are not to be surpassed for their dexterity in obtaining perquisites. They have apportioned India into districts, and adjoining the Place of Hair they have their Place of Flags, where there are upwards of two hundred flags streaming from high poles. The devices on these flags represent the different districts. The pilgrim seeks the flag of his district, and there he finds the Brahmin licensed to take charge of him. There is no fixed fee, but every man is taxed to the extent of his purse. One of the Rajahs of Oude, who had been shorn a short time previous to my arrival, gave the fraternity six elephants and the weight of a fat infant son in Cashmere shawls and silver.

[1] From the St. Louis *Post-Dispatch*, Jan. 12, 1937.
[2] From Bayard Taylor, *A Visit to India, China, and Japan*, 1854, pp. 234–236.

In justice to the Brahmin caste, I should remark that those who serve as priests in the temples are not to be confounded with the secular Brahmins, many of whom are fine scholars, and enlightened and liberal-minded men. But the priesthood is perhaps more corrupt than any similar class in the world. They do not even make a pretence of honesty. An acquaintance of mine bargained with some Allahabad Brahmins to supply him with grass for thatching his house. They showed him a satisfactory sample, and he agreed to pay them a certain price. But when the grass came it was much worse than the sample, and he refused to pay them full price. The matter was referred for arbitration to three other Brahmins, who decided in the gentleman's favor. But the contractors declared they would have the full price. "Why do you not bring me good grass, then?" said the gentleman. "Because we have it not," they answered. "Why then did you send me such a sample?" "To make you contract with us," was the cool reply. "You may take the quarrel into Court, for I shall not pay you," declared the gentleman. "We shall not go to Court, for we shall certainly lose the cause," said they; "but we *will* have the money." Thereupon they went to the carpenter who was building the house, and who was a Hindoo, related the case, and called upon him to make up the full sum. The astonished victim declared that it was no affair of his. "No matter," said they, "if you don't pay it, one of us will commit suicide, and his blood will be upon your head" — this being the most terrible threat which can be used against a Hindoo. The carpenter still held out, but when the oldest of the Brahmins had decided to kill himself, and was uncovering his body for the purpose, the victim was obliged to yield, and went off in tears to borrow the money.

When Personal Motives Interfere with Public Interest. Leaving aside further discussion of exploitation through institutions, we may notice a very common type of exploitation, which ordinarily is not regarded as such at all. Under the guise, and usually with the intention, of doing a favor to some person or institution, the interests of a larger number of people are interfered with and exploited. Mr. Putnam's case here presented, also illustrates the slight attention sometimes given to facts by supposedly disinterested propagandists, or the extent to which such persons may operate on unsound information. Mr. Storey, it should be remarked, was as a rule a very public spirited type of man. The case follows.[1]

I had occasion, . . . when the international copyright fight was in train, to secure help from Mr. Adams, who was one of the vice-presidents of the International Copyright League, to head off opposition to the copyright bill on the part of Moorfield Storey, a well-known leader of the Boston Bar. I found, on one of my visits to Washington in behalf of the pending bill, that Storey was making arguments against the bill with members of the House and Senate committees. His opposition was, it seems, based upon a desire to be of service to two old ladies, the daughters of Littell, who, a number of years back, had founded *Littell's Living Age*. The *Living Age* was edited with scissors, being made up entirely from clippings from transatlantic and principally from English periodicals. Littell was dead, but his two daughters, who also understood the use of scissors, were getting a modest

[1] Adapted from George Haven Putnam, *Memories of a Publisher* (G. P. Putnam's Sons, New York, 1915), pp. 69–70.

income out of the publication of the little magazine. Storey had got the idea into his head that an international copyright would prevent the continued publication of the *Living Age* and would take away the income of these old ladies, and, purely on the ground of friendly interest, he had come to Washington to defend their livelihood. I wrote to Adams, as president of the Union Pacific Railroad and as vice-president of the International Copyright League, asking that he would have the counsel of the railroad recalled to his duties in Boston. I succeeded finally also in securing an interview with Storey himself and in making clear that his fears on behalf of the old ladies were not justified. I took the ground in the first place that no individual business ought to be permitted to stand in the way of a measure which involved national policy and the great interests of national literature. I said further, that the publishers and other members of the copyright league would be quite ready to guarantee to the two old ladies the income (about $5000 as Mr. Storey had reported) that they were securing from their magazine in case their business should in any way be interfered with by our copyright undertaking. I pointed out, finally, however, that the copyright bill as worded was not going to cause any interference whatsoever with the publication of *Littell's Living Age*. Under the provisions which had been inserted in the law by the typographical unions and the other bodies interested in the manufacturing side of book production, no work could secure American copyright that had not been "brought into print" within the territory of the United States. The magazines and papers from which the *Living Age* was made were not, and could not be, brought into print in the United States and their material, therefore, could not secure copyright protection. There was, therefore, nothing to stand in the way of the editorial scissors. Here was a leading lawyer of the Boston Bar who, at some sacrifice of valuable time, had come to Washington with the chivalrous purpose of helping a couple of old ladies, without having taken the trouble to read the text of the bill the enactment of which he was opposing.

The Exploitation Gradient. Exploitation is still one of the major methods of control in society. It is also one of the earlier forms of control. As Ross has pointed out, direct personal forms of exploitation are, in the main, giving way to indirect and largely impersonal methods. But there still remains a vast amount of the more primitive types of exploitive behavior. It is impossible to determine whether there is more or less exploitation now than formerly, in spite of its anti-social character. While disapproval of it grows, new and confusing, often secret and invisible, methods are invented constantly. The only hope of removing these is to bring them out into the open by means of various forms of publicity, and this is now being done much more fully than ever before.

Summary. As stated earlier in this chapter, exploitation is a general term covering most aspects of nearly all the methods of social control treated in Part II. As treated here it corresponds largely to the third type of social control, fraud, as outlined in Chapter III of this volume. We have not found it possible to sample all types of exploitation. They are too numerous and varied. In subsequent chapters we shall meet many more types and examples. In this chapter we have emphasized especially the exploitation of depressed classes, primitive

peoples, and the so-called inferior races. But it has seemed important also to give considerable attention to the exploitation of the average man by powerful and not over-scrupulous business interests, by political leaders and groups — whether or not in official positions — and by criminal and quasi-criminal organizations and alliances. It appears from the evidence presented in the current news of the world that a new era of political exploitation, perhaps in the interests of major economic enterprise, is dawning, or even now well advanced. As the world fills up with population and as available economic resources diminish, the struggle for economic opportunity and predominance becomes increasingly political. Consequently, this aspect of the question of exploitation has claimed a considerable share of our attention. Other forms of exploitation, including that of the workers through the wage system, the exploitation of appetites for tobacco, alcohol, drugs, and prostitution, and especially the exploitation of leisure time by so called legitimate commercialized amusements, deserve more attention than it has been possible to give to them. Preventive measures are still strikingly inadequate, but perhaps they may be increased in number and in efficiency as we come better to understand the sociology of social control, and the social need for their employment.

STUDENT EXERCISES

1. The instructor may assign some student to prepare a report on the exploitive aspects of slavery in the United States from one of the several works opposing slavery published before 1865, or from one of the larger histories of the United States.

2. The description of slavery in *Uncle Tom's Cabin* may be taken as a point of departure for discussion. What corrections should be made?

3. Members of the class may be assigned to go through various Labor and Radical periodicals for the purpose of finding cases and discussions of so-called "wage slavery." To what conclusions do the searchers come on the basis of these searches?

4. A report on the use of the caste system of India for purposes of exploitation may be made on the basis of Herbert Compton's *Indian Life in Town and Country*, or some other available source.

5. Perhaps some member of the class can give an account of the methods used in exploiting tourists in Latin American countries, or in Europe.

6. Reports on the exploitation of the native peoples in colonies and dependencies other than those cited in the text may easily be prepared from sources available in the library.

7. An interesting ten or fifteen minutes' discussion based on these data may be devoted to a comparison of methods of exploitation used by the governing and trading classes of different peoples.

8. A report on the exploitation or force theory of the origin of the state as set forth in Franz Oppenheimer's *The State* will present data new to many of the members of the class.

9. Consult Lincoln Steffens' *Autobiography* for the methods used by the Díaz regime in exploiting the Mexican people. Use the index.

10. A whole series of reports on methods of exploitation employed by American industries can be based on Lloyd's *Wealth against Commonwealth*, Russell's *Story of the Non-Partisan League*, or Steffens' *Shame of the Cities*.

11. To what extent does the argument of James Fitzjames Stephen appear to fit American conditions?

12. Discuss the validity of Will Durant's analysis.

13. What evidence for or against the contentions of Frank R. Kent are the students able to bring from their reading of the political news?

14. Have the students ever observed anything in the daily newspapers or in other periodicals supporting the newspaper contentions about the connection of the police and politics with crime as reproduced in this chapter?

15. How may the "practical man's" belief in war as an aid to prosperity be explained?

16. Students may be assigned to review the reports of the Nye Committee's 1934–1935 investigation of armament companies' activities as given in *The New Republic*, *The Nation*, *The Christian Century*, and elsewhere, and report on the evidences of exploitation to the class.

17. In what sense is it true that the growth of civilization causes an increase of crime? What is the relation of this fact to social control?

18. What is the danger from municipal home rule in police matters? Is the danger less or greater in state control? Why?

19. How can you explain the use of exploitation by a religious body?

20. Mention other cases of social exploitation growing out of friendliness or "goodness of heart."

21. The student will find an interesting case of blackmail described in George Sand's *Mauprat*, Chapter XIX.

22. Exploitation through indirect channels is well illustrated by E. A. Ross in his *Sin and Society* and *Latter Day Saints and Sinners*. Reports may be prepared on the methods there described.

23. Students might well be assigned to separate issues of daily papers to clip and classify all cases of exploitation noted.

24. The clippings might then be turned over to some responsible student who would classify the whole collection of clippings and report on the results to the class as directed by the instructor.

25. For a good example of the promotion of war for private profit by frustrating peace movements, see *The Christian Century*, Oct. 30, 1929; *The New Republic*, Sept. 4, 1929; and the *News Bulletin* of the Foreign Policy Association, September 18, 1929, all dealing with the Shearer case.

26. What are the main features of the types of business exploitation analyzed by Professor Charles A. Beard in this Chapter?

27. What gives to bankers unusual opportunities for exploitation within the law, such as merchants or manufacturers do not ordinarily possess?

28. The student might pursue further his studies of reorganization by investigation of the Sears, Roebuck & Co. case in which Mr. Sears lost control of the company.

29. A similar study might be made of the refinancing of the Ford Motor Co. in the early nineteen-twenties.

30. Indicate the kinds of fraud, as classified in Chapter III, represented in this chapter.

Chapter X

GRAFT, CORRUPTION, AND OTHER HIDDEN FORMS OF FRAUD

The Theme of This Chapter. In the present chapter it will be our purpose to continue the theme of exploitation by fraudulent social control, but with special and primary reference to the use of political graft, bribery, and corruption and the methods employed by business to control the public and customers. Some of these practices are illegal and criminal, but many of them are not proscribed by the law, although they may be commonly regarded as immoral and anti-social. Their anti-social character is usually sufficiently attested by the care taken by their promoters to hide their acts from the public eye. In this group of control devices force is for the most part decidedly in the background, although it may be used in emergencies to complete a transaction or to hide the tracks of the perpetrators. Violence is most likely to be appealed to in that class of fraud and graft which comes under the headings of confidence games, "skin games," "gold brick," "green goods," and other more shady and usually petty, criminal exploitive operations, but it is the exception rather than the rule to use force even here. It will suffice merely to mention this sub-class of hidden exploitations, with a brief illustration or two. The methods are usually direct and personal and do not ordinarily involve any very complicated social procedures.

The Rackets. The case of blackmail included in the preceding chapter might perhaps have been presented here as the first illustration in this chapter. The various fixed gambling devices, the operations of professional gamblers, the procedures of gambling "joints" and clubs, the various forms of race track gambling and "bookmaking," the selling of a great variety of worthless mining and oil stocks through more or less secret channels, belong in this category of fraud operations. This field of undercover exploitation generally goes by the name of "rackets." The racket may be defined as any sort of fraudulent scheme, plan, or organization designed to exploit others by placing them in positions in which they cannot defend themselves adequately against their exploiters. A racket is an organized scheme applicable to a general class of victims, and not to one individual exclusively. A few illustrations of exploitation by means of these rackets are presented in the following passages.[1]

[1] From *News-Week*, III (June 9, 1934), p. 28.

"Before you invest — investigate." This is the motto of the Better Business Bureaus which business men maintain in more than 50 American cities to fight fraud.

Last week the Better Business Bureau of New York City issued its twelfth annual report. H. J. Kenner, the bureau's general manager, revealed that swindlers have thrived despite the Federal Securities Act.

Gullible Americans lose millions of dollars annually in frauds, supporting thousands of thieves, racketeers, and sharpers.

Sell and Switch: This is the most popular stock-selling scheme today. First the prospect is sold shares of a well-known company listed on the New York Stock Exchange. That is to gain his confidence. Later he is told he can make larger profits by switching to another issue — stock the promoters really want to sell. It has an impressive name but is practically worthless.

As soon as the "sucker" agrees to buy, a messenger is sent to his office to deliver the shares and obtain his check. When police get too close on their trail, the sell-and-switch operators close up business, reopening later at a different address and under a new name.

"Puff Sheets": A trade paper reports one morning that Richard Roe has been promoted to sales manager of his firm. That afternoon his telephone rings. "Congratulations, Mr. Roe!" says a hearty voice. "This is Mr. Doe of the John Doe Business Review. We're running an article about you in our next issue, and I want to read it to you for your approval."

After reading a few flattering paragraphs, Mr. Doe remarks casually: "Wouldn't you like to order 100 copies for your friends and business associates? They're only 35 cents apiece."

He describes his publication as a weekly, with a large newsstand circulation. Actually it is issued only when enough copies are sold. The only persons who buy it are those whom it "puffs."

To confuse their victims, "puff sheets" adopt names similar to those of reputable magazines. One of them printed a laudatory article about a promotion in which a large financial house was interested and sold the firm 30,000 copies for $10,000.

Collection Racket: Merchants and business firms in every big city fall prey to this fraud. Pretending to operate collection agencies, swindlers obtain from their prospective victims a list of their bad debts. Then they say they have located a debtor with substantial assets, but a law suit is necessary to force him to pay. For this purpose they collect "court costs" from the creditor without really bringing suit.

Sometimes the racketeers charge an advance fee for collecting bad debts. If they succeed in collecting one, they keep the money. When clients' protests become too menacing, they close up business and move to another town.

Wide Range of Racketeering Activities. A great variety of house-to-house salesmen, including some book agents, belong essentially in this category of petty racketeers, although their operations are less markedly exploitive than the "grafts" just described. The various stock markets frequently are operated on much the same basis, as will be brought out further on in this chapter. The little "investors" or "the public" are almost always, sooner or later, "taken in" by the big "investors" or the speculators. All of the professionalized vices, including gambling — already mentioned, — prostitution, the drug and the liquor businesses,

either wholly or in large part belong to this category of graft, fraud, and other shady or hidden exploitations. Much so-called legitimate business, all boss-ridden politics, much law practice, and a large share of promotion generally — from street "barking" for some sex show or "medical museum" up to the flotation of a new corporation or the opening up of a new city subdivision — are based upon "rackets" and are "put over" by means of secret or semi-secret manipulations of purchasers, voters, investors, and other classes of clients, customers, "prospects," and "suckers" generally. Barnum said that there was one of them — the suckers — born every minute, and many of them continue to perform to a ripe old age. Exploitive games of this general type are so numerous that a description of them all would fill a book, or perhaps an encyclopedia; in fact books have been written on this subject.

The Social Control of Rackets. Because rackets of all sorts are so prevalent and so many people are exploited by them it is important to prevent them and also to punish those who operate them. Many social devices are employed for these purposes. Publicity is in itself an excellent safeguard against some rackets with persons who are reached by the publicity. The American Medical Association has repeatedly exposed patent medicine rackets with considerable success. *News-Week* frequently gives facts about rackets that are likely to victimize its readers; and the daily press does much the same sort of thing from a news standpoint. The United States government punishes racketeers who use the mails, and the new laws of the federal government regarding the issuance of securities by investment brokers and promoters generally are aimed at both the prevention of fraud in this connection and at the punishment of racketeers who violate these laws.

Sometimes the police or even private agencies or individuals employ violence as a means to the prevention or suppression of rackets. The following Associated Press dispatch from Chicago will serve to illustrate how the police occasionally operate against illegal games of chance.[1]

A handbook, operated by women for women, is one of 13 places wrecked by the State's Attorney's ax squads in their campaign of destruction against horse race betting establishments. Thirty women were making bets when the officers entered the place yesterday. There were four women attendants, two of whom were taken to the State's Attorney's office for questioning.

The raiders said a disgruntled husband had furnished the information that led them to the place.

Bernice Sheppard, 25 years old, who was taken into custody, said the handbook had been operated for women for eight or ten years. She apologized for the four men bettors present. They were the guests of some women, she said.

Some of the women were sipping soft drinks and coffee and nibbling jelly rolls between the races when the police broke in.

[1] From the St. Louis *Post-Dispatch*, Oct. 20, 1938.

Detective Daniel Moriarty looked at the drapes over the windows and other evidences of feminine hand, and, by his own admission, was undecided on the course to pursue. A call to headquarters brought instructions to proceed in the customary manner. Moriarty and his fellow officers thereupon went to work with axes, demolishing furniture, fixtures, racing sheets and equipment.

The Use of More Indirect Methods. Usually such violent procedures are not employed, except in very difficult and persistent or aggravating cases. It seems to be more difficult to prevent local rackets, such as the operation of slot machines, bootlegging, prostitution, selling fake jewels, racketeering begging, and the like, because so often the local racketeers are protected by the police, who get part of the proceeds, and by politicians, who depend in part upon the criminal vote. The following newspaper editorial entitled "Throttling the Handbook Racket" tells how Louisville handled this particular racket in a less violent manner than that used by Chicago and makes suggestion for procedures in other cities.[1]

Safety Director Sam McMeekin of Louisville has ordered the Southern Bell Telephone Co. to discontinue leased wire services to handbooks, as a means of putting them out of business. General Manager Erskine of the company has assured Mr. McMeekin of 100 per cent cooperation.

Local Baptists recently suggested to the police of St. Louis that they proceed against the handbooks with ax-squads, as is being done in Chicago. To remove their telephones is a neater procedure. The suggestion was made last year by Circuit Attorney Miller to a grand jury whose foreman, Harry McBride, is secretary of the Southwestern Bell Telephone Co. Said Mr. Miller: "I'll tell you how you can stop the bookmakers: tear out their telephones."

That, however, is as far as it went. The telephone company has a standing offer to remove a telephone if any law enforcement official will point out that it is being used for illegal purposes — providing the official will accept responsibility. The telephone company correctly takes the position that it cannot set itself up as a policeman.

Neither the Circuit Attorney nor any other official has put the local situation up to the telephone company as Mr. McMeekin has done in Louisville, and, inasmuch as the overlords of the handbook racket in St. Louis — Bev Brown and Gully Owen — are powers behind the scenes in the Democratic party, no local official is likely to proceed.

An Associated Press dispatch from Harrisburg, Pa., shows similar methods being employed in that state.[2]

The Public Utility Commission today ordered three telephone companies in Pennsylvania to cease serving any place connected with the race track circuit of Nationwide News Service, Inc., or any of its subsidiaries. The commission, after hearing testimony dealing with race wire news hookups, served its notice on the Bell Telephone Co. of Pennsylvania, the Pennsylvania Telephone Corporation and the Keystone Telephone Co.

[1] From the St. Louis *Post-Dispatch*. Oct. 18, 1938.
[2] *Ibid.*, Oct. 26, 1938.

Counter Control by the Book Makers. However, the book makers did not take these efforts at social control through legal channels submissively. Their "graft" or "racket" was too profitable to be given up without a struggle. It is not characteristic of the criminal element in society to submit willingly to socially protective laws. They are not used to looking out for social welfare, but for "the main opportunity" to exploit society in their own interests. That is one of the things that makes them criminal. It is not surprising therefore that the book makers organized to fight law enforcement and resorted to other methods of defense against society as described in the newspaper account given below. It is this persistence of crime in fighting social welfare by illegal and criminal methods that convinces some people that the only way to deal with the criminals is for honest people to take the law in their own hands and smash the criminal equipment, as described above. The newspaper account follows.[1]

The handbook operators of St. Louis, seeking a means to combat the threatened action of the authorities which would put them out of business, are contributing to a fund, said to be $100,000, with which to fight any move against them.

Some of them attended meetings yesterday and Tuesday afternoons at which the strategy of their defense was being planned. This included closing their places for a while and ultimately taking the shops out of the prominent positions they now occupy in street-level stores and hiding them in upper stories and alleys.

Means of communication which they will use in the event the police, Circuit Attorney and telephone company combine to remove their telephones are also being discussed. One suggestion which has been made is the use of a short-wave radio. . . .

A downtown bookmaker who conceded that the handbook fraternity was "plenty worried," predicted, however, that it would take a long time before any prospective action against them would take effect.

"They'll get injunctions and that sort of thing," he said. "You know, there's no trouble getting injunctions here.

"The drive against bookmakers will never stop them, though. If the phones are taken away, they'll set up a radio or something like that. We've had this thing before and that time it just meant waiting until the next day to pay off after the results had been published in the racing papers.

"Of course, some of the bookmakers have brought all this on themselves. They've been too open and some of them didn't even bother to set up a front or blind. You could look right in the door and see a lot of the people sitting at the tables playing the horses. That's what caused people to write letters to the authorities."

Graft — "Working the Other Fellow." It is well to note, in this connection, in the beginning, that the sort of under-cover exploitation we are describing in this chapter would not be possible to the extent to which it exists were it not that there is an unconfessed general attitude

[1] From the St. Louis *Post-Dispatch*, Dec. 1, 1938.

favorable to "working the other fellow," when it can be done safely, pretty widely disseminated in our culture. We shall not here consume the space necessary to prove this point, which after all is pretty widely recognized and appreciated.

This general attitude of exploitation by "working the other fellow," is scarcely to be distinguished from racketeering, except that it is perhaps usually less definitely planned beforehand and ordinarily involves less manipulative organization. Graft, or the negotiation of a special privilege or an unfair advantage, is also closely allied with racketeering and is not always to be distinguished from it. It is usually more openly arranged between the principals, and the public rather than either of the principals are the intended sufferers, while in rackets one of the principals is the victim. Of course, rackets may involve graft and bribery as constituent elements. Like racketeering, graft is essentially a parasitic type of activity. We introduce it here as a separate classification, partly because there is a shade of difference, although it is more easily recognized than described, and partly because the term is in such general use that it cannot be omitted in favor of any other closely related category. Testimony as to its prevalence may be taken from a standard work on sociology.[1]

> Conspicuous illustrations of individuals profiting from [graft] immediately suggest themselves, and the term is associated usually with such instances, chiefly among men in political life. But the thing itself is a much more extensive phenomenon; just how extensive no one can say because of the difficulty of getting the facts. It is significant to recall in this connection the rather general indifference on the part of the public in regard to the oil scandals, involving some very high officials of the federal government. It would appear as though many — by far too many — citizens have become callous to corruption in higher places by reason of its constant repetition and have accepted the creed of each man "getting his." Apparently, graft pervades all classes in society. The self-styled solicitor for some presumably worthy cause who exploits a merchant's unwillingness to appear as opposed to that cause; the head of a charitable institution who trades to his personal profit on the popular appeal of the work with which he is identified; the friend of the home-building couple who influences the selection of the contractor upon promise of a consideration from the latter — these and many other varieties differ in degree but not in kind from the public official who commercializes his position to his own advantage.

We shall confine our attention in the remainder of this chapter almost wholly to those forms of graft, bribery, and corruption — whether legal or illegal — with a wide-spread social significance and with numerous ramifications. It seems desirable to develop the theme of the chapter primarily from the standpoint of its wider social significance.

[1] From J. H. S. Bossard, *Social Change and Social Problems* (Harper and Bros., New York, 1938), p. 208.

Bribery among Primitive and Backward Peoples. Primitive peoples are supposed to be especially addicted to the use of petty graft and exploitation, and this is undoubtedly the case. Graft frequently takes the form of bribery among both primitive and more advanced peoples. Bribery may be defined as a special form of graft which involves payment for an official (not necessarily governmental) favor or judgment, which is usually unfair to the public, instead of allowing one's cause to take the regular course of administrative or judicial procedure. Almost all travellers among the native peoples of whatever region report the prevalence of graft and bribery, with many interesting, and sometimes amusing, illustrations. When Bayard Taylor, Captain Francis Burton, Captain Speke, and Samuel W. Baker were pursuing their explorations in search of the sources of the Nile in the eighteen-fifties and the eighteen-sixties they were hampered constantly in their progress and almost impoverished by the exactions of guides, porters, and local chieftains. We might easily cite other cases from the lives of primitive peoples, but the following relatively complete analysis from a writer familiar with the social system of India will serve our purpose.[1]

Bribery and corruption are the rule, not the exception, in the East. In every transaction in life, it is held to be not only allowable but sensible to derive some advantage over and above the scheduled amount. He would be a poor fool who did not avail himself of *dustoorie*, or the customary fee. There is not a single native in India who does not pay or receive *dustoorie* in some form or other. It is the unearned increment of the East. It enters into every phase of life, and, according to the form it assumes, may be a perquisite, a commission, a fine, a bribe, or blackmail. In transactions between the subject and those placed in authority over him, it becomes a bribe or blackmail, and Jack in Office is the recipient, and the whole of the rest of the population the fleeced.

Bribery is ingrained in the native character, and a recognised part of the etiquette of their social system. The inferior always approaches a new superior with a gift in his hand — made, not from love, but from policy, and to neglect it is boorish rudeness, as well as a folly. It is a bribe in embryo, meant to smooth the way for an ultimate benefit. Notwithstanding, the native will affect to be vastly affronted if it is declined. It is called a *nuzzer* or *dali*, which, being interpreted, means a complimentary tribute. Ask why it is proffered, and you will never get any other answer except that "It is the custom." Needless to say, Englishmen are pestered with *dalis* — if they are worth pestering. They usually take the form of a tray neatly piled with sweetmeats, flowers, and fruit, apparently a most innocent confection. But, when the investment is fairly safe, a bag of rupees not unfrequently lurks under the pile of sugar-candy. Say, for instance, you are an engineer, with a fat contract to give out, and a reputation for accepting *dalis*, you could practically depend on that bag of rupees when you received a complimentary visit from a local contractor. Happily such incidents are exceedingly rare in connection with Englishmen, and the *dali* contains nothing more guilty than roses, oranges, and lollipops. But with native officials the case is different, and the *dali* is the recognised vehicle for a bribe. . . .

[1] Adapted from Herbert Compton, *Indian Life in Town and Country* (G. P. Putnam's Sons, New York, 1904), pp. 69–76.

If I have dealt at a little length on the *nuzzer* or *dali* system, it is to illustrate the national character with which Jack in Office has to deal. Here are a people who voluntarily give bribes; who will have you believe politeness demands it; who are willing, nay, anxious, to expend a day's pay in propitiating a stranger who comes to assume authority over them. Saddle that people with an administration considerably more urgent to receive than to give a bribe, and endowed with an absolute faith in its fitness, and you shall see the art of extortion carried to its extreme. Power in the hands of such a class is merely a lever to extract profit from the powerless; and there are no people in the world so powerless, unprotected, and preyed upon as the peasants of the Indian Empire. I have no hesitation in saying that several millions of rupees are paid away every year in India in the shape of *dustoorie*, or the unearned increment of pillagers.

And now let us see how these conditions work out in practice in India. Every schoolboy knows that the sale of justice in the East is a simple and time-honoured institution. Is justice sold under the British raj? Without a doubt it is. I will pass over the higher native officials holding what may be called Englishmen's appointments, with the observation that they are not immaculate. I could recall a recent case where a bribe of some thousands of pounds, specially contracted to be paid in gold bullion, passed between a litigant authority in the district. And I could quote several others. But in this rank, venality is the exception.

When you come to the subordinate judicial staff, the native judges and magistrates, with restricted powers and comparatively small salaries, you may take it as an axiom that, in the slang phrase, they are all "on the make." Of course, no one but a fool would take a bribe often; that would be the surest way of killing the goose that laid the golden eggs. In riding a foul race, the jockey's horse must gallop, and to retain a seat on the bench of justice, the judge must dispense justice in general. It is from the percentage of his backslidings that the venal judge acquires his reputation. "He is a very good magistrate," I have often heard it said of a native functionary by natives; "he takes very few bribes." In other cases, a sad shake of the head, and the mournful, "There is no satisfying him!" has been a sufficient commentary.

Notwithstanding this foreknowledge that the dice are probably loaded, the native of India plunges into the lottery of litigation with absolute gusto. It is a speculation that appeals to him, requiring as it does chicanery and lying. For whilst blaming the unjust judge, it must not be forgotten that the unjust witness is almost as great a factor in the prostitution of the law courts, and that perjury is the basis of all evidence in India; the "fourpenny witness," who will for that modest professional fee swear to anything, haunts the precincts of the courts, and will rehearse you a tragedy or concoct you a concatenation so that even cross-examination shall be powerless to shake him. The actual eye-witness rarely gives his testimony without introducing gratuitous and needless fiction. It is an admitted and notorious fact that the bulk of the evidence tendered in the law courts of India is perjured, and yet prosecution for perjury is practically unknown. It is the "custom"; that Augean stable is too foul to attempt to sweep, and British administration shrinks from the task. It may even be logically argued by the judicial Jack in Office that until Government takes steps to punish and put a stop to perjury, the illegitimate profits of justice may just as well pass into his pockets as into those of the professional liar.

Leaving this unsavoury subject, let us pass to the consideration of those Jacks in Office who have to make their illicit gains by operations less simple than selling justice. That, after all, can be done genteelly and with an air of learning, and even

defended in a plausible judgment delivered in open court. The Indian policeman proceeds in a different way. His the open palm and the veiled threat. A "case" represents itself to him in two aspects: shall it be pursued for reputation or rupees? If he decides on the former as the most profitable, then this Jack in Office has no hesitation in applying the methods of the mediaeval torturer in order to extort a confession from the accused man. If lucre is his object, it degenerates into a matter of blackmail, and most probably the trumping up of false evidence. The visit of a constable to the most honest homestead in India is like the visit of a wolf. When the inspector follows, it is like a tiger to the attack. "Once get the police in —" is an Indian phrase that corresponds to the English "Once get the plumber in —." The Hindu's hut is very far from being his castle. The policeman literally takes up his abode on the premises, lives on the fat of the land, so far as the victim's family can provide it, and never departs without a substantial reason. Those in England who look upon the "Bobby" as their comfortable friend and the protector of their hearths and homes during the wicked night hours, little know what awful shape his Indian prototype can assume, whose presence is far more dreaded than that of a thief. For, after all, the native can defend himself against a thief, but he is powerless to do so against the arch-robber who poses as a policeman.

As with the man in blue, so in his special degree with every low Jack in Office in India. The surveyor who comes round to assess the land for taxation can find a vast diminution in its ratable value, not to mention its superficial area, if the owner is lavish with his *dustoorie;* the watchman who guards a timber reserve is blind to the cutting of a tree if a quarter of its value is slipped into his hand; the goods-clerk on an Indian railway, under the highest pressure of accumulated consignments . . . will always find an empty truck for the merchandise that is recommended with a coin or two. Every Jack in Office has his price; it is absolutely beyond the genius of the native character to refuse a bribe.

Perhaps the most wonderful Jack of all is the *chupprassi,* who is a creation peculiar to the East, and a sort of janitor at the verandah. He announces your arrival, runs errands, performs petty commissions, and is a blend between an office-boy and a *commissionnaire.* He lives within hail of his master, and is supposed to possess his ear. You would not credit him with transcendent powers, and yet the way that lowly individual can coin money out of his own post passes conception. He is the front-door bell, and there is no seeing the master unless he is rung. "Wait; the *sahib* is busy," is all he says, and you may wait till doomsday if you fail to fee him. The well-to-do native has a distinct disinclination to being made to wait; it is far more derogatory in his eyes than you would suppose, and he willingly pays toll, or, as you may say, tolls the bell. The poor suppliant with a petition seeks advice from the *chupprassi,* asking if the *sahib* is in a good temper to be approached, and this Jack in Office has always a sound opinion to sell. The power and influence accredited to him are extraordinary; he is in and out of his master's room; he knows all his moods and humours; he will unfailingly tell you when is the best moment to make appeal. It may appear preposterous, but such information in a land where despotism rules supreme has a market value, and the *chupprassi* makes the most of it. I have heard of a case of one man on a wage of six shillings a month who contrived to increase it to as many pounds by the exercise of his peculiar talents in imposing on the credulous and exacting toll from the ignorant.

Generality of These Practices and Their Causes. The types of graft described by Mr. Compton as prevalent in India also find their complement in all parts of the world, but they are reputedly most frequent in

those countries where economic opportunity for the masses is least well developed and where society is organized on the caste basis, or in a manner which more or less approaches it. Thus the United States is supposed to be freer from such practices than is Europe, and northern Europe is commonly reputed to be less afflicted by them than southern Europe; which in turn is less beridden than the orient and Africa. Such practices of petty graft and bribery appear to be in large measure the result of the lack of adequate economic opportunity on the part of the masses. Either no regular wage is paid or the wage or salary is insufficient to meet the urgent needs of those who exact such gratuities. This is of course not the sole explanation of such practices. A people may be so demoralized by bad social customs that even when wages and salaries are made adequate to the needs of the recipients the evil practices continue. This is observable in the case of tipping, for example. Yet it is notable that tipping is abhorrent to servants as well as to masters in a frontier society where opportunity is good, and seems to flourish best in a slave or serf or caste-ridden society, or in one that is evolving out of or entering into such a condition or conditions. Tipping and other petty grafts may also be propagated from above as a racket, where the employer uses them as a part substitute for wages, as on railways and steamships; or as an additional source of revenue exacted by the management through waiters in restaurants and hotels.

Some Examples of Graft from Eighteenth Century England. We might very easily flatter ourselves that such practices could not exist except among "barbarous" peoples, much retarded in their civilization. Undoubtedly it is true that highly civilized nations would not tolerate such petty corruption and graft. But we do not have to go back very far in English history to discover conditions of corruption as little complimentary to the culture of the time, and there seems to be an abundance of evidence to show that England was not an isolated example of the tolerance of bribery, graft, and like conditions. One of the more distinguished institutional historians of England will provide us with our illustration of shady methods of control used in that country scarcely more than a century and a half ago.[1]

Where the number of electors in a borough was sufficient to ensure their independence, in the exercise of the franchise, they were soon taught that their votes would command a price; and thus, where nomination ceased, the influence of bribery commenced.

Bribery at elections has long been acknowledged as one of the most shameful evils of our constitutional government. Though not wholly unknown in earlier times, it appears, — like too many other forms of corruption, — to have first become a systematic abuse in the reign of Charles II. The Revolution, by increasing the power of the House of Commons, served to enlarge the field of bribery at

[1] Adapted from Sir Thomas Erskine May, *Constitutional History of England*, 1878, pp. 333–342.

elections. As an example of the extent to which this practice prevailed, it was alleged that at the Westminster election, in 1695, Sir Walter Clarges, an unsuccessful candidate, expended 2,000 £. in bribery in the course of a few hours.

These notorious scandals led to the passing of the Act 7 William III. c. 4. Bribery had already been recognized as an offence, by the common law; and had been condemned by resolutions of the House of Commons: but this was the first statute to restrain and punish it. This necessary measure, however, was designed rather to discourage the intrusion of rich strangers into the political preserves of the landowners, than for the general repression of bribery. It seems to have had little effect; for Davenant, writing soon afterwards, spoke of "utter strangers making a progress through England, endeavoring by very large sums of money to get themselves elected. It is said there were known brokers who have tried to stock-job elections upon the exchange; and that for many boroughs there was a stated price. An act of parliament was not likely to touch the causes of such corruption. The increasing commerce of the country had brought forward new classes of men, who supplied their want of local connections by the unscrupulous use of riches. Political morality may be elevated by extended liberties: but bribery has everywhere been the vice of growing wealth.

The prizes to be secured through seats in Parliament, during the corrupt administrations of Walpole and Pelham, further encouraged the system of bribery; and early in the reign of George III, its notoriety became a public scandal.

The very first election of this reign, in 1761, was signalised by unusual excesses. Never perhaps had bribery been resorted to with so much profusion. One class of candidates, now rapidly increasing, consisted of men who had amassed fortunes in the East and West Indies, and were commonly distinguished as "Nabobs." Their ambition led them to aspire to a place in the legislature: — their great wealth gave them the means of bribery; and the scenes in which they had studied politics, made them unscrupulous in corruption. A seat in Parliament was for sale, like an estate; and they bought it, without hesitation or misgiving. Speaking of this class, Lord Chatham said: "without connections, without any natural interest in the soil, the importers of foreign gold have forced their way into Parliament, by such a torrent of corruption as no private hereditary fortune could resist.

"To the landed gentry they have long since been obnoxious. A country squire, whatever his local influence, was overborne by the profusion of wealthy strangers. Even a powerful noble was no match for men, who brought to the contest the 'wealth of the Indies.'" Nor were they regarded with much favour by the leaders of parties: for men who had bought their seats, — and paid dearly for them, — owed no allegiance to political patrons. Free from party connections they sought admission into Parliament, not so much with a view to a political career, as to serve mere personal ends, — to forward commercial speculations, to extend their connections, and to gratify their social aspirations. But their independence and ambition well fitted them for the service of the court. The king was struggling to disengage himself from the domination of party leaders; and here were the very men he needed, — without party ties or political prepossessions, — daily increasing in numbers and influence, — and easily attracted to his interests by the hope of those rewards which are most coveted by the wealthy. They soon ranged themselves among the king's friends; and thus the court policy, which was otherwise subversive of freedom, became associated with parliamentary corruption.

The scandals of the election of 1761 led to the passing of an act in the following year, by which pecuniary penalties were first imposed for the offence of bribery. But the evil which it sought to correct, still continued without a check.

Where the return of members was left to a small, but independent body of electors, their individual votes were secured by bribery; and when it rested with proprietors or corporations, the seat was purchased outright. The sale of boroughs, — an abuse of some antiquity, — and often practised since the time of Charles II., — became, at the commencement of this reign, a general and notorious system. The right of property in boroughs was acknowledged, and capable of sale or transfer, like any other property. In 1766, Lord Hertford prevailed upon Lord Chatham's ministry to transfer to him the borough of Oxford, which belonged to the crown. And Sudbury, infamous for its corruption until its ultimate disfranchisement, publicly advertised itself for sale.

If a seat occupied by any member happened to be required by the government, for some other candidate, he was bought out, at a price agreed upon between them. Thus in 1764, we find Lord Chesterfield advising his son upon the best means of securing 1,000 £. for the surrender of his seat, which had cost him 2,000 £. at the beginning of the Parliament.

The general election of 1768 was at least as corrupt as that of 1761, and the sale of seats more open and undisguised. They were bought by the Treasury, by great nobles for their clients, by speculators, and by gentlemen for whom there was no other way into Parliament. Some of the cases were so flagrant as to shock even the moral sentiments of that time. The corporation of Oxford being heavily embarrassed, offered again to return their members, Sir Thomas Stapylton and Mr. Lee, on payment of their bond debts, amounting to 5,670 £. These gentlemen refused the offer, saying that as they did not intend to sell the corporation, they could not afford to buy them; and brought the matter before the House of Commons. The mayor and ten of the aldermen were committed to Newgate; but, after a short imprisonment, were discharged with a reprimand from the Speaker. Not discouraged, however, by their imprisonment, they completed, in Newgate, a bargain which they had already commenced; and sold the representation of their city to the Duke of Marlborough and the Earl of Abingdon. Meanwhile the town clerk carried off the books of the corporation which contained evidence of the bargain; and the business was laughed at and forgotten.

For the borough of Poole there were three candidates. Mauger, the successful candidate, promised the corporation 1,000 £., to be applied to public purposes, if he should be elected; Gulston made them a present of 750 £., as a mark of gratitude for the election of his father on a former occasion; and Calcraft appears to have vainly tempted them with the more liberal offer of 1,500 £. The election was declared void.

The representation of the borough of Ludgershall was sold for 9,000 £. by its owner, the celebrated George Selwyn; and the general price of boroughs was said to be raised at that time, from 2,500 £. to 4,000 £., or 5,000 £., by the competition of the East and West Indians. It was notorious at the time, that agents or 'borough-brokers' were commissioned by some of the smaller boroughs to offer them to the highest bidder. Two of these, Reynolds and Hickey, were taken into custody, by order of the House; and some others were sent to Newgate. While some boroughs were thus sold in the gross, the electors were purchased elsewhere by the most lavish bribery. The contest for the borough of Northampton was stated to have cost the candidates "at least 30,000 £. a side." Nay, Lord Spencer is said to have spent the incredible sum of 70,000 £. in contesting this borough, and in the proceedings upon an election petition which ensued.

In 1771, the systematic bribery which had long prevailed at New Shoreham was exposed by an election committee — the first appointed under the Grenville Act.

It appeared that a corrupt association, comprising the majority of the electors, and calling itself the "Christian Club," had, under the guise of charity, been in the habit of selling the borough to the highest bidder, and dividing the spoil amongst its members. They all fearlessly took the bribery oath, as the bargain had been made by a committee of their club, who abstained from voting; and the money was not distributed till after the election. But the returning officer, having been himself a member of the society, and knowing all the electors who belonged to it, had rejected their votes. This case was too gross to be lightly treated; and an act was passed to disfranchise the members of the club, eighty-one in number, and to admit to the franchise all the forty shilling freeholders of the Rape of Bramber. An address was also voted to prosecute the five members of the committee for a corrupt conspiracy.

In 1775, bribery was proved to have prevailed so widely and shamelessly at Hindon, that an election committee recommended the disfranchisement of the borough; and at Shaftesbury the same abuse was no less notorious.

In 1782, the universal corruption of the electors of Cricklade was exposed before an election committee. It appeared that out of two hundred and forty voters, eighty-three had already been convicted of bribery; and that actions were pending against forty-three others. A bill was accordingly brought in to extend the franchise to all the freeholders of the adjoining hundreds. Even this moderate measure encountered much opposition, especially in the Lords, where Lord Mansfield and Lord Chancellor Thurlow fought stoutly for the corrupt electors. Though the bill did not seek to disfrachise a single person, it was termed a bill of pains and penalties, and counsel were heard against it. But the cause of the electors, even with such supporters, was too bad to be defended; and the bill was passed.

There can be little doubt that the king himself was cognisant of the bribery which, at this period, was systematically used to secure Parliamentary support. Nay, more, he personally advised and recommended it. Writing to Lord North, 16th October, 1779, he said: "If the Duke of Northumberland requires some gold pills for the election, it would be wrong not to satisfy him."

As these expenses were paid out of the king's civil list, his Majesty, however earnest in the cause, found them a heavy burthen upon his resources. Writing to Lord North on the 18th April, 1782, he said: "As to the immense expense of the general election, it has quite surprised me: the sum is at least double of what was expended on any other general election since I came to the throne." And Lord North, in excusing himself for this heavy outlay, entered into some curious details, illustrative of the part which the king and himself had taken in various elections. He said: "If Lord North had thought that the expense attending elections and re-elections in the years 1779, 1780, and 1781, would have amounted to 72,000 £., he certainly would not have advised his Majesty to have embarked in any such expense." And he proceeded to explain the reasons which had induced him to spend 5,000 £. at Bristol, 8,000 £. at Westminster, 4,000 £. in Surrey, 4,000 £. in the city of London, and how the last general election had altogether cost the crown 50,000 £., as well as certain pensions.

Illustrations Nearer Home — "Fixing" the Courts. Corrupt political practices, employed as methods of social control, are almost innumerable and have long been so. Most of the forms of graft and corruption previously described are generally thought to have declined with the growth of civilization, although we have no decisive means of verify-

ing this supposition. But those aspects of corruption and methods of graft that are especially stimulated by the spread of the democratic participation of the masses in government have increased rather than diminished. As the people gained a voice in the management of public affairs and in determining public policy, it became necessary for the "ruling classes," if they were to continue to rule, to employ various methods of suborning the people and their representatives. Vote buying scandals, for example, have been rather frequent in the political life of the United States and some of them, as for instance that in Adams County, Ohio, early in this century, have been particularly raw and shocking.

We shall now turn to a series of cases that are usually conceded to be representative of American political and official practices in their less desirable aspects, bearing upon control problems in the courts, in relation to the exercise of the ballot, patronage, nominations of primaries, packing of official bodies, passes, and the like. The fact that American control problems are emphasized primarily must not be supposed to imply that these problems do not exist in other countries also, but rather that the student is chiefly interested in home conditions. No apology is made for the primary emphasis at this point upon political practices. Their importance is sufficient justification for the inclusion.

Without attempting to say what we do not know, that is, why the honorable judges mentioned in the following editorial found it in their hearts to be merciful to traffic violators when over 38,000 persons are run down and killed by automobile in the streets and highways annually, the editorial statements set forth here are presented for what they are worth or may signify.[1]

Mayor Dickmann struck a popular chord a few weeks ago when he announced there would be no more "fixing" in traffic violation cases. But the "fixing" goes on. Of 1811 cases in Police Courts last week, according to the City Counselor's report, 347, or 19 per cent, were not heard in open court. And in 247 of those cases no penalties were imposed.

The explanation of the Judges is not satisfactory. Judge Simpson professed surprise when asked about the report, and declined to say anything "until I have a talk with the Mayor." Judge Vest insisted all cases had been tried on their merits, but said he had been willing to hear some cases in chambers as a matter of convenience to the accused. He mentioned milkmen as an example. Yet of the 120 defendants so accommodated by Judge Vest — 87 of them without penalty — it is fair to surmise that not all were milkmen. Some of them might, on a guess, be butter-and-egg men.

If one violator of the traffic rules is given the privilege of a special hearing, why should not all of them be so favored? The law makes no discrimination among persons. By what right do the Judges make it?

[1] From the St. Louis *Post-Dispatch*, March 21, 1935.

The whole practice of "fixing" is thoroughly mischievous. It is lawlessness, in which the accommodating court is a participant. It breeds disrespect for law. It encourages violation of law. It contributes to the slaughter of the streets.

The condition, fortunately, is one which the Mayor can correct. The Police Judges are his appointees.

Dropping Cases Charged with Violation of the Election Laws. Regard for justice may be effective in instituting or in dismissing charges of illegal political action. The following newspaper account of a case is presented for purposes of illustration of court practices without any expression of opinion as to the merits involved. The reader may weigh the newspaper account according to his own judgment or information.[1]

Charges against Jimmy Miller, Democratic boss of the Fourth Ward, in connection with his alleged election activities last November, were dropped for the second time today, this time by Prosecuting Attorney James Finnegan. The action was taken in Judge Griffin's division of the Court of Criminal Correction.

Previously they had been dismissed by William Hough, assistant prosecuting attorney during the recently concluded term of Prosecuting Attorney Rosecan, who reinstated the charges the day before he left office. . . .

The chubby, blue-eyed Miller was in court, wearing a dark overcoat and carrying a gray hat in one hand while he held an unlighted cigar in the other. He strolled about the courtroom, chatting with friends, until the case was called, when he sauntered to the judge's bench with his attorney, Louis B. Sher.

Miller's face remained expressionless as Finnegan announced the state wishes to nol-prosse the charges. He left immediately, telling reporters he had "nothing to say."

Charges against William (Dinty) Moore, tavern proprietor who was named with Miller, also were dropped.

Miller, who "votes 'em like a machine" in the ward where he is a justice of the peace and city committeeman, was charged with having caused the ejection of three Rupublican challengers from polling places in the ward.

He was indicted, but the charges were nol-prossed by Hough last December 27, three days before Rosecan and Hough were to leave office. Rosecan discharged Hough, announcing the cases had been dismissed without his consent, then reinstated the cases and left them for his successor to try.

Finnegan gave reporters the following statement explaining his action today: "My reasons for causing the criminal informations, which were filed by my predecessor on practically the last day of his term, against James H. Miller and William Moore to be nolle prosequi arise from the fact that the evidence in each and all of these cases is wholly insufficient to support a conviction of either of the persons informed against.

"To those who are familiar with the facts surrounding the filing of these informations, it is easy to understand the political purpose they were meant to serve. These same charges, on the twenty-seventh day of December, 1934, were nolle prosequi by Mr. William Hough, an assistant of my predecessor, on the ground of insufficient evidence.

"I have no hesitancy in saying the the motive of my predecessor in refiling the informations, after they were nolle prosequi, was purely political and that had the

[1] From the St. Louis *Star-Times*, January 25, 1935.

charges in these cases been against any persons other than James H. Miller or some election official in the Fourth Ward, these proceedings would never have been instituted."

Reported Happenings at a Polling Place. Late in 1936 and early in 1937 a public spirited St. Louis daily newspaper made a determined effort to force the state circuit courts to investigate alleged vote frauds in Kansas City and St. Louis. The Kansas City circuit courts refused to handle the matter. At first the St. Louis grand jury refused to go into evidence placed before it. This grand jury was dismissed, a new one chosen, and a new circuit judge placed in charge of the case. At first this judge instructed the grand jury to proceed with the investigation. Later, after considerable delay, he ruled that the grand jury could not have access to the ballots. In the meantime the federal courts sitting in Kansas City began the trial of the cases in that city. The following is part of the testimony presented before the federal court according to Associated Press dispatches printed in a St. Louis daily paper.[1]

Mrs. Albright testified that Edson Walker, Democratic Judge, told her she would be taken for a "one-way ride" unless she signed the vote books an hour before the polls closed, and that she saw Drummond place "a handful of ballots" in the ballot box.

When Mrs. Albright took the stand all of the defense lawyers present left the counsel table and pushed forward to the bar.

Maurice M. Milligan, United States District Attorney, took over the questioning.

"Did you serve all day and through the evening at the polls in the Thirteenth Precinct of the Twelfth Ward?"

The witness explained she was away about half an hour at noon for luncheon and that now and then she stepped out for about five minutes.

"Did you become acquainted with Drummond during the day?" Milligan asked. "Yes."

"Was he there in the voting place the morning of election day?" "He was."

"Did you see him do anything with the ballot box?"

"When the ballot box was opened so the ballots could be pushed down I saw him put a handful of ballots in the box."

"What occasioned the opening of the ballot box?" Milligan asked. "It was full and I couldn't place any more ballots in it."

"Who had the key to the box?" "Mrs. Aulgur."

"Who else was there at the time?"

"Walker, Mears, myself, McEntee, Drummond and Mrs. C. Laughlin."

"Did you see Mrs. Aulgur there about 3 or 3:30 o'clock?" "Yes."

"What did you see take place?"

"I saw the three men approach Mrs. Aulgur and one asked her in a loud tone: 'Are you or are you not?' Mrs. Aulgur answered: 'I am not, I am paid to stay here.' The man said, 'Make up your mind.'"

"Mrs. Aulgur picked up her purse and walked toward a stairway to get her coat. Drummond and the three men were standing beside the stairway. One man said

[1] Extract from a report published in the St. Louis *Post-Dispatch*, Feb. 17, 1937.

to her: 'We'll take you with us.' She replied: 'Oh, no, you won't.' The man said: 'I'd just as leave hit you as any man.' She replied: 'Don't think I am afraid of you.'"

Mrs. Albright testified that Walker, the Democratic judge said to her before the polls closed:

"You know we are not going to count the ballots."

"Why?" I asked.

"That," she quoted Walker as saying, "is the reason we got rid of Mrs. Aulgur. We will do to you like we did to Mrs. Aulgur, or more. We will take you out for a one-way ride."

Mrs. Albright then testified that later Walker said to her: "If you girls do as I say there will be no trouble."

"He said if we did as he said we would get $10 or more instead of $6 for the day."

She testified that about 6 o'clock, an hour before the polls closed, Drummond "laid down the books."

She quoted him as saying: "We are going to sign the books now and get that much over with."

"He gave me 15 minutes to make up my mind," the witness said of Drummond. "He was back in 15 minutes — an hour before the polls closed — and I said 'I am not going to sign now.'"

A Jersey City Case. Apparently instances such as that described above are very common occurrences in connection with elections in American cities. Data available by way of illustration are abundant. We shall present only one other case, however, and that from an eastern city. It is reported by a private investigator in a popular magazine and is as follows:[1]

Another lawyer who agreed to talk to me said, "they could retaliate against me. I would meet all kinds of obstacles in the courts and county agencies. They'd hold me up, take advantage of every little technicality, such as filing a paper late."

He had been a deputy superintendent for the Republican party during the past two elections. "Not that the local Republican party really offers any opposition," he said. "It's financed by the Democrats. They have to pay people, party hacks, to run for the opposition. And, anyway, the votes aren't counted. There is a tremendous registry list of the dead. The same people vote two or three times."

In the last election, he said he didn't try to stop repeaters after a certain point because he knew his skull might be broken and there would be no redress for him. "I learned that lesson in 1929, I was younger then." As a deputy controller, he had tried to get the police officer present to arrest men attacking him for challenging a repeater. Instead, he had been arrested for "interfering with elections."

An American Type of Political Control. Many people do not realize that such methods of political manipulation and control are carried on in this country. Others are familiar with the facts, but do not resent their existence. Their civic idealism is at a very low ebb, or perhaps never has been developed adequately. Another class of people, who

[1] Zugsmith, Leane, "New Jersey Under the Terror," *Ken*, Vol. I, p. 71 (May 5, 1938). Copyright by Esquire-Coronet, Inc. Published by permission.

profess to stand for the highest types of civic and moral idealism, frequently resent being informed regarding such facts as are portrayed in the preceding item and such as are dealt with in this chapter in general. They are to be compared with the proverbial ostrich which is said to hide its head in the sand when danger approaches. Such people apparently prefer to remain in ignorance of social evils and of the existence of anti-social controls in order that they may continue as long as possible the illusion that they live in a world in which all "good citizens" (including themselves) perform properly their moral and civic obligations, or, as Browning put it, to believe that "God is in his heaven and all's right with the world." It is a comfortable way in which to shirk one's responsibility and transfer blame to the one who brings to them disillusioning facts. If one judged only by the expressed attitudes of such persons, he might conclude that the real culprits were those who give information about such conditions and not the perpetrators of the evils.

But such anti-social controls do exist and many commentators upon American life have given publicity to them. One of the greater New York dailies, commenting on the political control situation in Missouri, calls attention to some similar events in the country's past history and makes some interesting observations on the present situation from its own editorial point of view.[1]

Fifty years ago, when the late James Bryce first published his "American Commonwealth," he singled out municipal politics as the greatest blot on the American political system. That was just after the extravagance of Boss Tweed here in New York. Were the great English commentator able to return from the other world and view what has been happening recently in Kansas City, Mo., he would feel that his generalization still holds true today.

Investigations at present being conducted by the United States District Attorney in Kansas City show widespread corruption and falsification in the election of 1936. The objectives were the same as in the New York of Tweed's time — to make the election "safe" — but the methods were even cruder. Not only were ballots marked on a wholesale basis so as to insure adequate stuffing of the boxes, but on numerous occasions district leaders sent word down the line as to just how many votes Mr. Landon would be permitted to have in the district. All the rest were to go to Mr. Roosevelt, regardless of how the voters marked their ballots. Actual returns in one district show as many as 100 ballots out of 600 taken from Landon and given to Roosevelt. The details are incidental. It happens to have been the Democrats who were stealing from the Republicans, for the simple reason that Kansas City is completely dominated by the Pendergast machine, compared to which our own Tammany seems lily-white. In Philadelphia, in the "good old days," the stuffing was done by the Republicans — when it was necessary. Incidentally, in Kansas City, Republicans have been indicted together with Democrats. It is the old story of cynical cooperation of local bosses for crooked purposes.

[1] From the New York *Herald-Tribune* as reproduced in the St. Louis *Post-Dispatch*, March 18, 1937.

Encouraging is the vigor with which the Kansas City frauds are being investigated and the rigor of the punishments that are being inflicted. Unfortunately, only the small fry are being caught — election judges and district and precinct leaders. As usual, acknowledged leaders left no traces which can involve them in action contrary to law.

The Pendergast machine has been omnipotent in Kansas City — and exercised a preponderant influence in all of Missouri — for years. Its efficiency may be judged from the fact that the registration in Kansas City in the last election reached a figure that would be normal for a population half again as large as that which the city has.

In other words, "Tom" Pendergast wanted to be sure that the city was "safe" for Mr. Roosevelt. His minions, eager to prevent the boss from having any uneasiness about the outcome, stuffed the ballot boxes so generously and shamelessly in favor of Mr. Roosevelt and the other Pendergast candidates that a complete walkaway was inevitable. As Mr. Pendergast had been ailing for a year or more, it was doubtless mere kindliness on the part of his workers to spare him all worry.

It is the old business of the shame of the cities. Kansas City has merely imitated what others — including New York in its heyday — have done. This will continue so long as decent citizens decline to take a more active part in municipal affairs.

An Appeal to End Corruption of the Ballot. On the following day a St. Louis daily published a stirring editorial entitled "Missouri's Low Estate," calling attention to the political situation in the state, and especially to the failure of the circuit courts in St. Louis and Kansas City to prosecute the vote fraud cases. The editorial ended with a strong appeal to the citizens to stop fraudulent manipulation of the ballot and to get rid of political machines. The editorial as a whole is reproduced here, partly to illustrate this type of political situation and partly as an example of newspaper championship of civic decency, unfortunately not any too frequent.[1]

While justice in St. Louis is hamstrung by political lawyers, dummy plaintiffs and hair-splitting decisions, in Kansas City the vote fraud conspiracy trial goes forward regardless of the legal tricksters.

When the latter offered a plea in abatement on a technical legal point, Judge Otis promptly swept it aside. He didn't take it under advisement for a week. He didn't have to read all the books to discover that it was a specious attempt to delay the trial. He acted in the interest of society.

But hold! The proceeding at Kansas City is being conducted, not in the State court, but in the Federal court. Federal Judges Reeves and Otis have accepted jurisdiction after State authorities in Kansas City willfully violated their plain duty.

Conditions in Kansas City are so rotten as to constitute a scandal of common knowledge from coast to coast, but the State authorities are as mum and inactive as a clam on the beach. It remained for the Federal judiciary to step into the breach to do a job which the State itself should do.

Both in St. Louis and in Kansas City, the State courts have failed to meet the challenge of the political underworld, which hesitates at no frauds, no matter how gross, and then defends itself by the crudest possible resort to technicalities. A

[1] From the St. Louis *Post-Dispatch*, Feb. 18, 1937.

farce is being made of justice. The people are being denied the protection which the legal machinery was established to give them.

And what sort of things are being concealed by the breakdown of justice in the State courts? We have only to read the testimony in the Kansas City case, as outlined by District Attorney Milligan. False and corrupt election counting. Citizens deprived of the right of franchise. Ballot-box stuffing. Intimidation of election officials who do not care to be parties to vote-stealing. One such election official, a woman, was told that, if she insisted upon counting the ballots, she would be taken "for a one-way ride." That is underworld jargon for murder. All this and more evidence was available for the use of State officials, who have chosen instead to bend the pregnant hinges of the knee to the Pendergast machine and to violate their solemn oaths of office.

Are the people going to tolerate this shameless perversion of justice? Are they going to act like dumb, driven cattle under the whip of their political masters? Have the people lost their spirit, their sense of indignation, their reverence for justice? The time has come to organize a public revolt in Missouri to put the crooks and the cheaters into the penitentiary, and to restore the dignity and honor of the courts. Are we going to take it on the chin from the scurvy mob that now rules Missouri's political underworld, or are we going to fight back like men?

Walker and Drummond mentioned in the report of the Kansas City trial, were convicted of vote fraud conspiracy as a result of the trial previously referred to.[1]

Feeding the Hungry Voters. In the following case the usual political process or flow of benefits from the people to those in power is reversed, at least for the time being. Here the political set-up offers gratuities to the sovereign voters of the city. The political adherents of the party in power select the worthy guests and various persons — ranging from office holders to merchants — are expected to contribute the feast. The public institutional cooks prepare it. The voters are doubtless grateful to the thoughtful mayor, and perhaps wish him many happy Christmases in office. Here is the newspaper story.[2]

Preparations for the Mayor's second annual Christmas dinner party for the poor were begun yesterday at a meeting in Mayor Dickmann's office of the same group which handled that given last year.

The dinner will be served in the exhibition hall of Municipal Auditorium between 10 A.M. and 6 P.M. Christmas day. Attendance is expected to be at least as great as last year, when about 26,000 men, women and children were served. Lists of worthy persons will be submitted by the police and Democratic ward workers. Admission tickets will specify the time for appearance. Food, including roast pork, will be cooked at city institutions and warmed at the auditorium.

Volunteer entertainment and music will be provided all day. The public, city employes and political workers have been invited to contribute funds and provision dealers will be asked to donate food. Political and city workers will serve the meal,

[1] From the St. Louis *Post-Dispatch*, Feb. 19, 1937 (column 1, p. 1).
[2] *Ibid.*, December 5, 1934.

working two and one-half hour shifts. Toys will be distributed among children at the dinner and sent to other children in hospitals and orphans' homes.

Jobs for Those Who See the Light. A like thoughtfulness for the needs and wishes of the voter has been known to penetrate even to the highest official ranks of a party-bound nation. Mr. Roosevelt's expansive postmaster-general, Mr. Farley, had as his unofficial, but rather exacting, function the dispensing of patronage to the faithful. Since Mr. Roosevelt came into office on the wings of disgruntled and progressive Republicans and not merely as the chosen hero of the faithful, it was decided that the best way to hold the new adherents as voters was to give them jobs — a decision which, — however wise it may have been, politically speaking — was not wholly pleasing to the "regulars." An Associated Press dispatch from Washington offers the following reputed summary of the Roosevelt-Farley policy of the time.[1]

Those who handle patronage are telling those who complain of "nominal Republicans" getting jobs in the administration that the Democratic party nominally is a minority party, and that Mr. Roosevelt's election was due to something like 6,000,000 persons, regarded as liberals, changing their ordinary political affiliations.

High officials now desire to consolidate Democratic gains made in the 1932 election, just as, after his election to the governorship of New York, Mr. Roosevelt set about to strengthen the up-State Democratic organization. Postmaster-General Farley has been on a tour of Northern New York pursuing the idea that gains should be capitalized wherever possible.

That policy is guiding the dispensation of patronage. Secretary Ickes and Secretary Wallace are nominally Progressive Republicans. Half a dozen Progressive Senators supported the President also. The administration feels that those who did so should share alike with Democratic patronage. That feeling is responsible for some of the protests that have been made, since Democratic "war horses" are objecting that newcomers are getting as much patronage as those who have been with the party for years. It is the administration belief that the far-sighted policy is to break down party lines drawn on the old basis and create new alignments based upon congeniality of opinions on social and economic questions. The President emphasized that view in his campaign speeches and he has followed it consistently since he went into the White House. It would not be surprising to those who know his views if he gave an even more striking demonstration of his determination to break down party lines than he can give through the mere distribution of patronage.

Those who complain that patronage is being dispensed too slowly are being told that even if it were possible to make the check and double check of support and indorsements upon which Mr. Farley insists, it would not be desirable to have a rapid turnover. The Democrats were out of office for 12 years and in the meantime all the key positions except those under civil service fell to Republicans. A quick turnover, Mr. Farley holds, would be a maladjustment that might react more unfavorably upon the administration than going slowly and "seasoning" persons for key places.

[1] From the St. Louis *Post-Dispatch*, October 30, 1933.

Perverting the Machinery of Nominations. We turn now from various methods of manipulating and influencing voters in the interest of those who seek to gain or retain control of government in their own interest or in the interest of a political machine to methods of controlling nominations to office with the same ends in view. Obviously it is of little use to the political rings to control the votes unless they can also manage the nominations. Not only the candidates for office but also the bosses and the people who finance and support the bosses have an interest in the control of nominations. Under the old convention system of nominating candidates various shady and questionable devices were employed to "put over" a candidate who would do the bidding of the political machine. The case that follows represents one of these practices which has been very frequently used in this country, but which has been somewhat mitigated by the adoption of the direct primary for the very purpose of avoiding the corruption of the convention system. The practice was exploitive both of the preferred candidate, who was defeated by trickery if not by illegal manipulation, and of the people who had instructed their delegates to the convention to vote for the candidate of their choice. The description of the case follows.[1]

LaFollette . . . in a speech some years ago . . . said: I went down to that convention with votes enough instructed and pledged to nominate me on the first formal ballot for governor. I had no money to make the fight; I had no fortune that had come to me; I had no newspaper. I had the freedom of speech that our flag and the principles of our government give to every citizen.

I was not nominated; I just said that I went down there with votes enough instructed and pledged to nominate me, but I didn't get them voted. Why? I am here to tell you why. Because the night before the ballot was to begin, in the room of a United States senator, they bought enough of my delegates with money, running from $25 to $700 a vote, to defeat me the next day in the convention. That is why I was not nominated.

Did you understand me? I said *bought — bought!* Now, I wouldn't say that if I couldn't prove it. By ten o'clock that night delegates began to come to my headquarters in the Hotel Pfister, where all the candidates had their headquarters. They began to come to my headquarters and tell me that they had been taken into the room of that United States senator and had been offered various sums for their vote, running from $25 to $700 apiece, in so far as they reported to me. Of course, nobody came over and told me who took the money; it was only those who were honest enough to refuse to take it. I took down their statements. By midnight I had taken the statements of twenty men.

At midnight one of the great political bosses of the state came to my headquarters and said: "LaFollette, I want to see you alone." I went into a room with him and he said: "We have got you skinned. We have got enough of your delegates to defeat you in the convention tomorrow. Now, we don't want any scandal; we don't want to hurt the Republican party." The man who had been doing all this did not want to hurt the Republican party. He said to me: "We don't want to hurt the

[1] Adapted from Albert O. Barton, *LaFollette's Winning of Wisconsin*, 1922, pp. 71–72.

Republican party. If you will behave yourself and keep still, we will take care of you when the proper time comes." . . .

When that convention was over I said to one of the political bosses of the state: "You have carried this convention by corruption; I have the proof of it here. When the time comes to make the best use of that evidence to redeem this state to representative government and crush the life out of your corrupt political machine, I will use this evidence."

And in 1904, when a bolt had been organized by the so-called stalwart Republicans of that state, I used that evidence, and from every platform in my state, closing in the metropolis of the state two nights before the election at Milwaukee in the Exposition building, in the presence of 10,000 people who stood until way past midnight to hear the discussion, I proclaimed the fact, called the roll and named the men and the prices.

Next day they did exactly what they said they would do. They defeated me in the convention.

How Politicians Get into Office. We may close this analysis of the devious methods used in influencing the popular vote and in securing nominations to office by one more exposition of the shady methods of popular control in politics. Despite modern sophistication regarding many matters connected with social life and institutions there yet remain many thousands of persons who regard political campaigning and elections as patriotic, almost pious, procedures in which the candidates vie with one another in presenting earnest programs for the best possible guidance of the state or the nation and in which the voters, devoted solely to the interests of their country, resort to the forum to judge nobly among these proposals and cast their ballots without prejudice in favor of the best candidates and the best plans for promoting the public welfare. To these persons the following somewhat cynical analysis of partisan politics by a careful observer of what actually goes on in the political arena may come somewhat as a shock. But, in spite of the fact that there are public spirited candidates and many voters sincerely devoted to the welfare of their country, there can be no doubt that the author of this analysis has stated the situation as it is and has drawn the picture of the conditions of attaining office correctly as far as he has gone. Perhaps his characterization of politics as a game rather than as a pious effort at public improvement, is the true estimate to make of it. Various political "bosses," including Mr. Pendergast, have equally aptly described it as a business. Professor McKenzie's analysis follows.[1]

The first and fundamental rule of the game is party regularity. No man can hope to be nominated and elected to office unless he can count on party support, and that party support will not be given to non-party members or to doubtful members. In our national field there have been only five great party bolters and none of them has been successful. In each case the bolt marked the end of the

[1] From Charles Wallace McKenzie, "The Great Game of Politics," The Washington University *Adult Education Bulletin*, XI : 5–6 (June, 1938).

individual's party and political career as well. The party from which he bolted could never trust him again, even if he returned to the fold; and the party to which he bolted loved the deed but not the doer.

Secondly, the person who is ambitious politically must learn the fine art of seeming to say something without doing so. That is, he must acquire the ability to use meaningless expressions that sound impressive and profound but that actually hide his meaning. Anything like complete sincerity and candor is not possible in American politics. Any candidate who tried to tell the voters the unvarnished truth about himself, about the issues, or about his opponent would be politically destroyed. A reasoned appeal to the intelligence of the voters will bring nothing but defeat; a clever appeal to the prejudices and to the emotions will bring victory. It is very much more effective to give the voters reasons for voting against the opposing candidate than to supply them with logical reasons for voting for you, for the American voter always prefers to vote against something or somebody rather than for them.

Perhaps the most effective way of overcoming opposition in a campaign is by following the third rule of practical politics: namely, "Give the people a good show." Except in times of national emergency, unemployment, and industrial depression, it is very difficult to get our voters aroused over an issue. Fundamentally they want to be amused, not lectured to or instructed. Other things being equal, the candidate who puts on the best show, who has the ability to dramatize himself and cleverly satirize his opponent has the best chances of winning. Senator Lewis of Illinois and "Happy" Chandler of Kentucky owe a great deal of their success to their ability to put on a good show. Senator Bob Reynolds of North Carolina cleverly satirized his opponent in 1932, the former Governor Cameron Morrison of that state. "Our Bob" travelled the state in a decrepit Ford, and at each stop pictured Morrison arriving in state in his large limousine, walking on velvet carpets, and eating caviar. It was a clever dramatization of the poor boy versus the rich boy, the man of the people versus the man of the privileged classes, and it won the applause of the crowds. The fact that Reynolds could have travelled in a Rolls-Royce had he wanted to did not detract from the show at all.

"Give them hokum and you've got them" is another recognized rule that ties in with "putting on a good show." Former Governor Stubbs of Kansas was one of the finest hokum manufacturers of his day and a successful one. He won his campaign for Governor on two issues only, a torn but clean pocket handkerchief and a recipe for salt-rising bread. Before going to a political meeting he obtained a torn pocket handkerchief which he placed in the breast pocket of his coat. An active and vigorous speaker, it was not long before he began to perspire freely. Then he would reach for his handkerchief, open it, and start to mop his brow. "My, my," he would say, "just look at that handkerchief. It's worn out and I have lots of good ones at home. My wife was certainly careless to let me come here with a handkerchief like that. I'll have to speak to her about it when I get home. But she doesn't often do such things. She usually looks after me mighty well. She is a wonderful woman; everything I am I owe to her. And what's more she makes the best salt-rising bread in the State of Kansas, in the whole United States. When we move to Topeka, come down and try it. I invite you all right now." Then he would give the recipe for the bread, and launch into a homely yet interesting account of his domestic life. Naturally his farmer audience felt pretty close to the great man by the time he began to talk issues with them.

Don't high hat the voters unless you want to be defeated. The greatest handicap Charles Evans Hughes had in his campaign for President in 1916 was his inability

to meet his audiences at their level. His appearance, his manner, and his method of delivery gave audiences the impression that he was too superior a person intellectually, and that talking to the common man bored him. Actually he was not the type of man that high hatted the audience but he gave that impression. That doesn't mean that the candidate must wear old clothes and look like a tramp, nor that he must use colloquial English. Not at all. The voter expects the candidate to know more than he does but not to show it too blatantly. He may be wealthy, highly educated, superior in intelligence — but he must not have lost contact with the common man. The people do not want a silk stocking candidate unless the silk stocking is just an accident of earned wealth. And the silk must not be too much in evidence.

One of the most important rules of all is "never to handle a hot poker on the front porch." By this we mean that when an unexpected and disconcerting attack is leveled at one, an attack that cannot be answered easily, the important thing to remember is to remain dignified before the voters. Every campaign is made up of charges and counter charges. The wise candidate either ignores personal charges made against him or, if the charge cannot be ignored, then answers it in high sounding phrases that mean nothing and attacks the opponent at the same time. In politics as in war, frequently the best defense is a brisk surprise attack upon the enemy. Sly innuendoes are far better than outright accusations. Never use a machine gun when a revolver will do, for that will create a ridiculous situation and the candidate cannot afford to be made ridiculous. An acquaintance of mine running for Congress in Massachusetts turned almost certain defeat into victory by following this rule. Campaigning in a district made up almost entirely of mill workers, his stock answer to the charges of his chief opponent went always something like this: "My worthy opponent has started to throw mud at me in this campaign. The charges he has made are without foundation as every one who knows me understands, so I simply ignore them. I refuse to descend to his level and throw mud at him. I refuse to accuse him of moral turpitude or of malfeasance or misfeasance in office. When I entered this campaign I said then and I say now, I do not want to win unless I can keep my campaign clean. What my opponent seeks to do does not concern me. I will not now or at any future time throw mud at my opponent no matter how unworthy I know him to be of the high office that he seeks. If you want to know anything about his true character, find it out for yourselves. I am not going to tell you about him. But if you really want to know the kind of man he is, ask him where he was last Tuesday night at eleven-thirty. Just ask him that and I dare him to answer you honestly." Without making any accusation, the idea was conveyed to the voters that the opponent was an immoral and unscrupulous man, leading a double life. It was effective.

Never should the candidate forget that a campaign costs money and that "publicity is the life blood of politics." The amount of money needed depends on the campaign, of course, but there must always be enough of it to pay the innumerable legitimate expenses as well as the illegitimate. Money must be spent freely if votes are to be obtained, for campaigns are not won on shoe strings. It is equally true that publicity is essential, for, as Secretary of the Navy Swanson once said, "When they stop writing about you in politics, you're dead." Of course there are two kinds of publicity, good and bad, but it is better to be roasted by the press than to be ignored. For the basic purpose of any type of publicity is to get the candidate known, favorably known if possible, but known in any case. Too much bad publicity, that is, too much general roasting, will be good publicity in the end, for it creates sympathy for the one roasted and sympathy breeds votes.

Packing the House. Once a party, faction, or dynasty finds itself in power, it has the problem of keeping itself there. This is usually done by rewarding its supporters either through offices, contracts, privileges, or favorable legislation. Of course the object in manipulating nominations in the manner described above is to consolidate the political machine's power to do just these things. One of the most important controls to be exercised by the machine is that of legislation. Governments in power wish to influence legislation, partly in order to stay in office and partly to serve the interests that placed them at the head of the government. So many devices are employed for these purposes that they cannot all be described here. Governments with hereditary or appointive chambers, such as the House of Lords in England, have long enjoyed a control device which is denied to purely elective governments, such as ours. In more democratic governments methods of influencing the voters at the polls and of bringing pressure — or inducements — to bear upon elected members must be employed. "Packing the house" is a very effective method of controlling results when it can be used. It was long a favorite device for manipulating nominating conventions. It is frequently resorted to in various local gatherings that desire to take a vote. In this way the National Conservation Committee was "stolen" more than two decades ago from the true conservationists by those who wished to stifle the conservation movement. In a sense the House of Commons in England was packed by the holders of "rotten boroughs" before the Reform Act of 1832. It is an old trick to pack the House of Lords by means of the creation of new members of the peerage friendly to the existing government. We again call upon the historian of the English constitution to whom reference was earlier made to illustrate this method.[1]

Great as had been the additions to the peerage since the reign of Queen Elizabeth, they were destined to be far exceeded in this and succeeding reigns. The creation of peers, having become an expedient for increasing the influence of the crown and the strength of parties, was freely resorted to by successive ministers. In the first ten years of this reign [of George III] forty two peers were created, or raised to a higher order in the peerage.

Lord North was liberal in the creation of peers, with a view to strengthen his own position as minister, and to carry out the policy of the court. In 1776, before the continued arrears of the civil list were again brought before Parliament, twelve new peers were created, one baron was raised to the dignity of a viscount, and three were promoted to earldoms. In 1780, he created seven new barons. During his administration he created or promoted about thirty British peers. In Ireland, he distributed honours still more liberally. In 1777 he created eighteen barons, and raised seven barons and five viscounts to higher dignities in the peerage.

Mr. Pitt, himself disdaining honours, dispensed them to others with greater profusion than any former minister. During the first five years of his administra-

[1] Adapted from Sir Thomas Erskine May, *Constitutional History of England*, 1878, pp. 277–280.

tion, he had created nearly fifty peers, and secured a safe majority. The influence he had himself derived from thus gratifying his supporters, suggested to him the precaution of restricting the regent in the exercise of this prerogative. This restriction he proposed to extend to the entire period of the regency, which, however, he trusted would be of short duration. Having created peers to consolidate his own power, he was unwilling to leave the same instrument in the hands of his opponents. . . . It was said by Mr. Pitt that the exercise of the prerogative was required to reward merit, to recruit the peerage from the great landowners and other opulent classes, and to render the crown independent of factious combinations among the existing peers. All these grounds were as applicable to the regency as to any other time; while the fact of a powerful minister having recently made so large an addition to the House of Lords from his own party, was the strongest argument against the proposed restriction. To tie up the hands of the regent, was to perpetuate the power of the minister. . . .

In 1792, when Mr. Pitt had been eight years in power, he had created between sixty and seventy peers, of whom the greater part owed their elevation to the parliamentary support which they had themselves given to the minister, or to their interest in returning members to the House of Commons. In 1796 and 1797, he created and promoted no less than thirty-five peers, — within the space of two years. And, in 1801, he had created or promoted, during the seventeen years of his administration, upwards of one hundred and forty peers, sitting by hereditary right. Can we wonder if some of these were unworthy of nobility? He also introduced as members of that body, in 1801, the Irish representative peers and bishops. It was not without misgivings that the king and Mr. Pitt consented to so great an extension of the peerage: but it was forced upon them by the importunity of friends and partisans, — by the rivalry of old and new families, — and by the just claims of merit and public service. Meanwhile, a host of Tory nobles in one house, and their nominees in the other, were sure allies and champions of the court.

" Packing " the Supreme Court. A heated controversy developed in 1937 when President F. D. Roosevelt of the United States put on a campaign to increase the number of the members of the United States supreme court by as many more than nine as there were members over seventy years of age. The President's contention was that great age of judges ordinarily hampers the work of the court by rendering them unprogressive or incapable of performing their court duties. The opponents of the scheme charged that he wished to "pack" the court in order to secure approval of his own political policies. His supporters replied that his predecessors had already "packed" the court for conservative policies and that the President was simply trying to find a legal method of "unpacking" it. Some expressed the belief that the republic would end in a dictatorship if the supreme court were controlled in this manner. Others said that some such control was necessary to protect the legislative powers of congress and perpetuate democratic government against the aggressions of the court or of the interests which they represented.

Bribery through Loans and Lotteries. A great variety of methods have been used to secure votes for party measures or for bills designed to favor the economic interests of members and of their financial or

other supporters on the outside. Among these methods various forms of bribery and near bribery loom large. This sort of corruption has been very common in legislative annals and continues to be used frequently at the present time. We shall cite some cases from past history and from the present politico-economic system in order that the reader may have a better perspective of this type of corrupt social control. Let us take a few cases from English history of the late eighteenth century, using again the source previously quoted. As our initial case we may review the system of loans and lotteries as manipulated corruptly in the British Parliament at the time indicated.[1]

Another instrument of corruption was found, at the beginning of this reign [of George III], in the raising of money for the public service by loans and lotteries. This form of bribery, though less direct, was more capable of proof. A bribe could be given in secret; the value of scrip was notorious. In March, 1763, Lord Bute contracted a loan of three millions and a half for the public service; and having distributed shares among his friends, the scrip immediately rose to a premium of 11 per cent. in the market! So enormous a miscalculation of the terms upon which a loan could be negotiated, is scarcely to be reconciled with honesty of purpose; and according to the practice of that time, the minister was entirely free from control in the distribution of the shares. Here the country sustained a loss of 385,000 £.; and the minister was openly charged with having enriched his political adherents at the public expense. The bank-bills of Mr. Fox had been found so persuasive that corruption was applied on a still larger scale, in order to secure the power of the minister. The participation of many members, in the profits of this iniquitous loan could not be concealed; and little pains were taken to deny it.

The success of this expedient was not likely to be soon forgotten. Stock-jobbing became the fashion; and many members of Parliament were notoriously concerned in it. Horace Walpole, the chief chronicler of these scandals, states that, in 1767, sixty members were implicated in such transactions, and even the chancellor of the Exchequer himself. Another contemporary, Sir George Colebrooke, gives an account quite as circumstantial of the monstrous corruption of the time. He says, "the Duke of Grafton gave a dinner to several of the principal men in the city, to settle the loan. Mr. Townshend came in in his nightgown, and after dinner, when the terms were settled, and every one present wished to introduce some friend on the list of subscribers, he pretended to cast up the sums already subscribed, said the loan was full, huddled up his papers, got into a chair, and returned home, reserving to himself, by this manoeuvre, a large share in the loan."

A few years later, similar practices were exposed in another form. Lotteries were then a favourite source of revenue; and it appeared from the list of subscribers in 1769 and 1770 that shares had been allotted to several members of Parliament. On the 23rd of April, 1771, Mr. Seymour moved for the list of persons who had subscribed to the lotteries of that year, alleging that it appeared from the list of 1769 that twenty thousand tickets had been disposed of to members of Parliament, which sold at a premium of nearly 2 £. each. His motion was refused. On the 25th April, Mr. Cornwall moved to prohibit any member from receiving more than twenty tickets. He stated that he was "certainly informed," that fifty members of Parliament had each subscribed for five hundred tickets, which would realise a profit of 1,000 £., and secure the minister fifty votes. His motion also was rejected.

[1] Adapted from Sir Thomas Erskine May, *Constitutional History of England*, 1878, pp. 382–384.

Bribery through Contracts. Although government lotteries are less frequent in our time, they are still extensively used in some countries, and perhaps not without some of the modes of corruption here described, or of others equally calculated to exploit the public interests. Not infrequently we hear complaints of favoritism in the placing of government loans. Another form of political graft very common at the same period, and by no means unknown at the present time, is connected with contracts. Recent investigations of the armament industry by the Nye senatorial committee (1934–1935) revealed some modern cases in point, and a few years earlier congressional investigations showed very high prices being paid for post office sites in large cities and high rentals paid for buildings to be used for postal purposes, as well as heavy charges for furniture and equipment. It was also shown by similar investigations that the United States government was paying enormous sums for carrying mail in ships it had sold to the contracting parties at very low prices. Contracts with state and city governments for public buildings (such, for example, as the state capitol of Pennsylvania) and street, lighting, and sewer improvements and repairs, will stand inspection even less well. In fact, the volume of this type of corruption and graft is simply astounding. The student may find abundance of cases in the reports of governmental investigations and in current periodical and literary reports. For purposes of comparison, let us return to our previously quoted authority.[1]

One other form of parliamentary corruption yet remains to be noticed. Lucrative contracts for the public service, necessarily increased by the American war, were found a convenient mode of enriching political supporters. A contract to supply rum or beef for the navy, was as great a prize for a member as a share in a loan or lottery. This species of reward was particularly acceptable to the commercial members of the House. Nor were its attractions confined to the members who enjoyed the contracts. Constituents, being allowed to participate in their profits, were zealous in supporting government candidates. Here was another source of influence, for which again the people paid too dearly. Heavy as their burthens were becoming, they were increased by the costly and improvident contracts, which this system of parliamentary jobbing encouraged. The cost of bribery in this form was even greater and more indefinite than that of loans and lotteries. In the latter case, there were some limits to the premium on scrip, which was public and patent to all the world: but who could estimate the profits of a contract loosely and ignorantly — not to say corruptly — entered into, and executed without adequate securities for its proper fulfilment? These evils were notorious; and efforts were not wanting to correct them.

In 1779, Sir Philip Jennings Clerke obtained leave to bring in a bill to disqualify contractors from sitting in Parliament, except where they obtained contracts at a public bidding: but on the 11th of March, the commitment of the bill was negatived. Again, in February, 1780, Sir Philip renewed his motion, and succeeded in

[1] Adapted from Sir Thomas Erskine May, *Constitutional History of England*, 1878, pp. 387–389.

passing his bill through the Commons, without opposition: but it was rejected by the Lords on the second reading. In 1781 it was brought forward a third time, but was then lost in the House of Commons.

Meanwhile, Lord North's administration was falling: the opposition were pledged to diminish the influence of the crown, and to further the cause of economic reform; and in 1782, Sir Philip Clerke was able to bring in his bill, and carry the second reading. In committee, Mr. Fox struck out the exception in favour of contracts obtained at a public bidding, and extended the measure to existing as well as future contracts. Immediately afterwards, the Rockingham ministry coming into office, adopted a measure so consonant with their own policy; and, under such auspices, it was at length passed. It was another legislative condemnation of corrupt influences in Parliament.

The Use of Passes to Control Legislation. The criminal methods previously described, such as the direct payment of legislators for votes or of executive officers for non-enforcement of the law, and the more indirect methods of "throwing favors" in the way of complacent legislators, come out into the open only by accident. But various other reprehensible methods, originally not illegal, but calculated to work against public justice, are better known. Among these, "taking care" of relatives or friends of the legislators by means of jobs and the use of various forms of patronage have been very effective, because so easily managed and because it is so difficult usually to prove criminal collusion in such cases. Another device extensively employed before it was made illegal was that of the pass on railroads or other carriers. This is one of the cheapest methods of securing legislative good will, for it adds but little expense to the costs of operation of the companies involved and the favors received in turn usually greatly exceeded the outlay involved. The quotation that follows will illustrate this method.[1]

The free pass was the great agency through which the railroads exercised their powerful sway over the legislators and the public and it was not until the pass was abolished that the grip of the railroads upon the state was to a degree finally broken. A former assemblyman once said to A. H. Dahl, later state treasurer: "When I was in the legislature about all we could do was to take care of passes." Commenting on this statement, Mr. Dahl said: "I know this was true although I never used railroad passes myself. When first elected to the assembly I was sent the customary bunch for myself and family with the understanding also that there were unlimited quantities for my friends, but I felt that the growing sentiment against the pass practice was right and returned mine with thanks, although I have no doubt that I thereby became unpopular with some of my constituents. Many men who disapproved of passes were practically obliged to get them for their friends and supporters."

Former Governor James O. Davidson also said: "I was obliged to maintain a ledger in order to keep track of the 800 or more passes for which I had requests. This duty became such a nuisance and left me so little time for other work that I

[1] Adapted from Albert O. Barton, *LaFollette's Winning of Wisconsin*, 1922, pp. 95–97.

finally became disgusted and shut off the whole pass business so far as I was concerned."

A Madison citizen who was a student in the University at the time says: "It happened that the stenographer of Ring, the Northwestern lobbyist, was a friend of mine and one day he invited me up to Ring's headquarters at the Park hotel. I went up and found the stenographer busy in a front office mailing out passes, while in an inner office Ring himself was handing them out to members as they came in at one door and went out of another. Ring's room also was well stocked up with a lavish layout of fine cigars and other good things to which visitors helped themselves.

"'Do they all get passes?' I asked my friend.

"'All but Hall and a few others who refuse to take them.'

"'And how many do they get?'

"'Oh, we usually give them what they want, but here's a fellow (from Milwaukee) who wants forty-five, so that he can take all his friends up to the northern lakes. That's pretty strong, though.'

"'Well they can't vote independently on measures if they accept favors like that, can they?' I asked.

"'No,' replied my friend, 'I don't think they do.'

"That set me thinking and I went away from there an antipass, LaFollette man."

Besides influencing the judgments and votes of public officers, the pass had the further evil effect of dissipating energy and interest in the work of legislation. With transportation costing nothing, adjournments were continually being taken from Friday to Tuesday that the members might spend the intervening time in travel or upon private business at their homes.

The Lobby. The question naturally arises as to who actually and personally dispenses the bribes, favors, privileges, etc. described above, in order to secure the legislation desired by business corporations and other interests. Do the officers of these corporations and other associations do this sort of work? Such is not usually the case. Any interest, whether financial, industrial, commercial, agricultural, political, religious, cultural, or other, may send paid representatives to legisative sessions to influence the members of the legislative bodies to vote for the bills which favor their interests. These representatives or lobbyists (a term said to have been derived from an earlier and cruder habit of buttonholing the legislators in the lobbies of hotels and legislative halls) are usually lawyers and sometimes expert salesmen. A knowledge of law is frequently important in this business as a means to the avoidance of criminal liability. Lobbying has now become so frequent and so highly developed that the lobbyists are often spoken of as a third house — although they do not assemble or deliberate in common — over and above the other two houses of the legislature. Very high salaries are often paid to the more successful lobbyists. Frequently the lobby proves to be more powerful with the elected representatives than the people who elected them to office to serve the public interests.

The lobby and its personal benefits are very dear to legislators of a certain well-known type who seem sometimes to predominate in our state law-making bodies. At least, they are able not infrequently to prevent the exposure of the illegal operations of lobbies, which have now been either banished from legislative sessions or greatly curtailed in their activities — at least nominally and ostensibly — by legislative enactment. The following newspaper article, dealing with conditions in the Missouri legislature in 1933, will serve to illustrate a typical protective procedure of this kind.[1]

The House investigation of lobbying activities, started at the request of Gov. Park, was wrecked today by opponents, who first defeated a move to give the Investigating Committee funds and facilities to carry on its inquiry, and then gained adoption of a motion to discharge the committee.

This blocks the investigation, which was directed especially at public utility lobby activities in opposition to Gov. Park's public works program, before the committee had a chance to hold hearings.

Defeat of the inquiry came after opponents of the investigation declared the inquiry would resolve itself "into an investigation of the members of the House."

The motion to discharge the committee was declared adopted by Speaker Meredith on a viva voce vote, although the volume of ayes and noes appeared equal. No one objected or called for a division of the vote.

Representative Iffrig of St. Charles County, who supported the investigation, was jeered by opponents when he shouted at the conclusion of the voting, "Tell all the lobbyists to come in now, the coast is clear.". . .

The real opposition developed when a supplementary resolution was introduced about a week ago, which would have broadened the powers of the committee, authorized it to employ counsel and investigators, and authorized it to extend its inquiry from lobbying during the present session to all such activities during the regular session earlier this year.

Adoption of this supplementary resolution would have enabled the committee to go into extensive lobby activities during the regular session. During that session it frequently was charged that the Legislature was being dominated by a powerful public utility lobby. This lobby brought about the defeat of all of the bills it opposed and gained the passage of the bills it supported. Among the latter was the Buford "mystery" bill, which would have reorganized the Public Service Commission. The Governor vetoed the bill.

Getting on without the Lobby. The special article dated from Jefferson City, Missouri and printed below provides a semi-humorous, but very enlightening, picture of some aspects of the relations of legislators to lobbyists that are not generally known. Most legislators receive only nominal salaries and not infrequently their expenses at the state capital equal or exceed their legislative income — from legitimate sources. This fact, of course, encourages various forms of graft, some of which is petty, but significant, as in the case of the free meals referred to below. The

[1] From the St. Louis *Post-Dispatch*, Dec. 5, 1933.

more serious forms, including bribery and business favors of importance, are of course not intentionally disclosed to the public. The puzzling shortage of lobbyists in this instance is explained in part by the author of the special article as due to lack of fear of unfavorable legislation and to the previous establishment of friendly relationships between "legislative representatives" and legislators at election time. It is possible also that the severe criticism of lobbies indicated above may have led the lobbying interests to invent some more subtle method of securing what they want and that this method will reveal itself later. The article follows.[1]

Those legislators who have been accustomed in other years to breakfast, lunch and dine sumptuously at the expense of the public utility and corporation lobbyists are finding this a hard winter in Jefferson City.

There are practically no lobbyists here and though there have been introduced a score or more of bills which were expected to draw the group of free and easy spenders the attempt has failed, and legislators are buying their own meals and drinking their own liquor.

It is a situation unparalleled in the history of the Missouri Legislature. Two years ago and before, the thrice a day scene in the dining room of the Missouri was of never failing interest.

The lobbyists, or, as they prefer to be termed, legislative representatives, were early risers. The first in the dining room would establish himself alone at a table just to the left of the main entrance door. The next would have a table to the right, and the later arrivals would be forced to content themselves with tables a little less advantageously situated to get the first chance at legislators as they entered.

There was, of course, no unseemly pulling and hauling, but the legislative agent who could first catch the eye of a legislator as he approached the door and give the sign of the free meal had scored a victory. Those Senators and Representatives who availed themselves of the privilege, and not all of them by any means did, were good sportsmen and passed around the favor of their company, one meal with one lobbyist and the next with another and so on.

But this year it is very different. Seemingly feeling secure, the lobbyists are avoiding Jefferson City, and the cheaper restaurants are doing a better business than in the past.

The only regulars who have been fairly constant in staying in Jefferson City this session are Anthony A. Buford, representing the breweries and the fire insurance interests, and former Senator A. L. McCawley, whose connections are never quite ascertainable. The calls on them have been heavy but, owing to the fact that space at their tables is usually quickly filled, they have been unable to make up for the absence of their old-time associates.

Others have dropped in for a day occasionally, but their stays have been brief. There is no proposed legislation which bothers the Union Electric Light & Power Co., so Albert C. Laun, its legislative representative, has made only fleeting visits to the capital, and they have been at wide intervals. There is no proposed special tax on tobacco and cigarettes and consequently Fred. L. English, attorney for the Liggett & Myers Tobacco Co., has dropped in once or twice, and then apparently

[1] Curtis A. Betts in the St. Louis *Post-Dispatch*, Feb. 12, 1937.

only to keep acquaintanceships alive. John McCormack of the Frisco, who looks after the interests of all the railroads, maintains a suite of rooms at the hotel, but his job is more the legal one of studying the effect of bills and reporting to the various railroads than in having direct contacts with legislators. However, he has been known to enjoy an evening entertaining his legislative friends in his suite.

Few of the more influential members, who have accepted the dining room invitations of the past, have introduced any bills to lure lobbyists to the capital, but a lot of the lesser fry have deluged the House with all the old bewhiskered "sand baggers" which make their appearance every session. These are bills which never are intended to pass but which are introduced in the hope that they will frighten the interests at which they are apparently aimed into "making satisfactory arrangements" for them to be killed.

The scheme is so old, and the comparatively few members who introduce that type of bills so well known, that extremely rarely does it accomplish its purpose.

Many "sand baggers" are meritorious measures. Frequently their enactment would result in a public benefit. They become "sand baggers" in most instances because their authors are not sincere in their introduction, and make no real effort to pass them. Few of them could be set out definitely in that classification because to do so would be to read the minds of the authors, but any experienced legislative correspondent can spot them instantly.

The reason for the absence of proposed legislation which would attract the lobbyists is difficult to understand. It may be that the Governor's failure to include in his program any legislation affecting utilities and corporations may be the reason. But a possibly more plausible one may be inferred from a report which is in general circulation that some corporate interests were so lavish in the aid they gave many legislative candidates in meeting the expenses of their campaigns that antagonistic legislation has been held to a minimum.

But, whatever the reason, the situation exists, and there are not a few legislators who are eating off boards in low-priced restaurants when they would much prefer the spotless linen and the shining silver of the hotel dining room.

The Field of Economic Graft — "Profitable Inefficiency." Graft and corruption and other forms of under-cover manipulation in the interest of private individuals and groups are perhaps more frequent in the business world than in the political. John T. Flynn's articles on "Graft in Business," published in *The New Republic*, Aug. 5–19, 1931, provide a good introduction to this subject. Their easy availability makes it unnecessary to reproduce them here, but they should be read in connection with the materials that follow in these pages. Flynn makes it clear that there is as much graft in business as in government, a conclusion to which the venerable Lyman Abbott, writing in the *Outlook*, came more than twenty years earlier. This may seem surprising in view of the fact that business makes such a strong claim for its efficiency when contrasting its methods with those of government.

This question of efficiency has much to do with the problem of graft and exploitation generally. One of the chief causes of inefficiency in business management is graft. Almost always somebody in the organization is making a profit out of inefficient management. When too high

prices are paid for rails or raw materials, or for salaries or in bonuses to the management, usually some one "on the inside," that is, a member of the board of directors who perhaps is also a member of the management of the company from which the purchases are made, is profiting from these excessive prices at the expense of the purchasing company, which he represents for the moment. It is a case of transferring funds from one hand to the other as far as he is concerned, but the stockholders who do not serve both companies — the "small fry," as they are called — are the ones who must find most of this money so "transferred" in the first instance. It is a fact worthy of notice that the big business men who sit on many directorates usually make money even if their businesses fail. They usually win, even when every one else loses. The inefficiency of their companies is thus often in part the cause of their gain. Many years ago Louis D. Brandeis created a furore in financial circles by calling attention to such inefficiencies, among others, on the part of the railroads, which were then, as usual, asking for an increase of rates to cover their losses due to such wastes. The following editorial from the *Nation* would appear to indicate that such wastes, and perhaps not without profit to the major stockholders, still continue.[1]

Most impressive of the witnesses to appear before the fact-finding board appointed by the President in the railway-wage dispute was Senator Wheeler. He spoke from the detailed knowledge acquired as chairman of the Senate subcommittee which has been investigating the railroads, and he itemized twenty-one sources of waste in the present management of the roads. The wage cut for which the railroads are asking would save them, roughly, two-thirds of a million dollars a day. Senator Wheeler declared that the carriers could save a million dollars a day by plugging the "leaks" he listed. Unfortunately, as Senator Wheeler himself well realizes, we are dealing here not merely with a mismanaged industry but with one that is a victim of operations beyond its own domain. The Pullman monopoly, the fixing of steel-rail prices, loans to stock-market syndicates, exorbitant financial charges, the milking of the roads by holding companies, speculation in railroad stocks — all cost the roads millions of dollars a year, but the causes of these abuses lie in the control of both the railroads and their major sources of supply by the same bankers. . . . It is clear that there will be no solution of the railroads' problem until control of them has been wrested from that "small inner group" of investment bankers to which W. Jett Lauck pointed in his testimony before the board. The question is whether the railroads are to be run for the benefit of these bankers or for that of the workers, shippers, investors, and consumers.

Franchises — Who Shall Control the City Council? Economic interests perhaps more frequently dominate city councils than state legislatures. So much has been written about boss rule in our cities that it seems unnecessary to refer at length to the matter here. The system of boss control was described in the preceding chapter. In recent years

[1] From *The Nation*, Oct. 22, 1938, p. 394.

there have been many lively contests between groups of voters who wish to have the public utilities municipally owned and managed and the interests that desire to keep them in private hands. One such contest is described in a rather forceful manner by an editorial writer whom we quote below.[1] It is interesting to note that the public apparently cannot control this situation for themselves.

The franchise of the Doherty-controlled Kansas City Gas Co. expires in September, 1936. There is a movement upon the part of citizens to make the gas utility a municipal enterprise, and to that end the citizens have invoked the initiative under the terms of the Charter. They want a public vote on the question. The story was told in last Sunday's *Post-Dispatch.*

But the political satrap of Kansas City, the Hon. Tom Pendergast, does not want a municipally-owned gas utility. As the matter stands, renewal of the Doherty franchise will come before the City Council. Pendergast is in effect the City Council. This is the usual set-up in an American city. It has been so for many years, and it constitutes one of the most despicable of American rackets. The people of Kansas City, like those of any other American city, are the best judges of their necessities. They are guaranteed by their Charter the right to submit at the polls any matter of vital concern to the community.

Their initiative petition contained 11,000 names. When it came before the City Clerk, Charles W. Regan, for certification, Regan rejected 4900 names, so making the petition invalid. He is a Pendergast man. The citizens behind the movement, who want to end Doherty control of the gas utility and the interminable conflict over rates, appealed to the Kansas City Court of Appeals. The court decided against them. So did the Circuit Court of Kansas City. The petitioners set forth that the action of the City Clerk was arbitrary, that he did not personally investigate the signatures and could at best have had only a political opinion concerning their genuineness. As a matter of fact, the citizens' body circulated a supplemental petition after the original petition had been disqualified. The supplemental petition met the same fate. It was useless, in the judgment of the leaders of the movement for a municipal gas utility, to resort to the Charter. The tie-up between the utilities and the politicians is too powerful.

There is but one course left open to the people of Kansas City. That is to appeal to the State Supreme Court. What the citizens fear, of course, is that the politicians will make another long-term contract with the Doherty company. The citizens would like to make gas so available to the community that the masses can afford to use it. The gas fields are not far from Kansas City. Such a service would contribute tremendously to the comfort and convenience of the people. The battle is therefore characteristic of many such contests in the United States. It is a fight for a better conception of life as against the old and sordid *status quo.* It is the battle that all the American cities must fight. The hold that the Doherty interests have upon Kansas City is the same hold the Harley Clarke interests have upon St. Louis. The same hold the Insull interests have upon Chicago. The same hold the Consolidated Gas interests have upon New York City.

The issue at Kansas City is a simple question of democracy. It is not necessary to know whether the Doherty interests are fair to the people. The vital thing is the right of the people to be the arbiters of their own fate — the right to say they would rather have a municipally-owned gas utility than the Doherty utility. The

[1] From the St. Louis *Post-Dispatch,* January 4, 1935.

law gives them this right, and the Pendergast political machine in Kansas City takes it away from them. The Circuit Court and the Court of Appeals out there assert they cannot have it.

What a travesty upon self-government it is! What a disgraceful spectacle in the eyes of a nation which was led to believe that it was to have a new deal! It is enough to make the people of Kansas City turn upon their political tormentors and strike for freedom.

Secret Deals in Finance. We may now pass to a consideration of the hidden tactics of industrial and financial institutions as they operate in the direct control of laborers, customers, and investors. So far we have discussed the methods used by corporations and other economic interests in manipulating the people only indirectly and through political channels. The direct control of the public by financial interests for their own profit is perhaps better and more generally understood than are the indirect processes of control. Again we take an illustration from the field of public utility finance. In this case the editorial writer is condemning secret deals in financing and management which hide profits from the public in order to keep up prices to the consumer and to transfer profits from the common run of investors to those on the inside of the management. These practices have become public scandals in public utilities and in 1935 they resulted in the wide-spread demand of the public for the abolition of holding companies. It is in the management of these holding companies that most of the under-cover exploitation is planned and carried out. The editorial protest follows.[1]

A short time ago Martin J. Insull, president of the Middle West Utilities Co., issued a statement in which he charged that "certain politicians, journalists and college professors" had, through their misleading statements, intimidated investors in the electric power and light industry, and thus endangered prosperity. Some unkindly critic, reading this statement, might recall that a few years ago the electrical utilities, through an organization in which Mr. Insull was a prime mover, engaged in a nation-wide propaganda campaign, in which particular efforts were made to "sew up" the journalists and the professors through a lavish expenditure of funds. The critic might point out that, in view of the notorious activities of the Insull organization in Illinois politics, this disapproval of politicians hardly comes with the best of grace. But despite the atmosphere of hokum which envelops Mr. Insull's statement, the issue which he raises of the relation of the investor to the power industry is too important to be dismissed lightly.

Certain basic facts must be recognized. In the first place, the electric light and power industry is one of America's great industries. Most of it is in private hands, with a capitalization in the neighborhood of $10,000,000,000. It is steadily growing, and has some 3,000,000 stockholders, many of them persons of small means. Whatever decision Congress may reach about Muscle Shoals, whatever New York State does about the development of electricity from the St. Lawrence, and whatever headway the movement toward Government ownership may make elsewhere, for

[1] Adapted from the St. Louis *Post-Dispatch*, January 26, 1931.

many years to come an important part of our electrical utilities will be run and developed by private enterprise. Therefore, protection of the investor and encouragement of further investment in order to finance developments are of great importance. . . .

What is the situation which we find in many of our power utilities? Through a system of non-voting stock and pyramiding of holding companies the investor has been disfranchised and control concentrated in the hands of a small group who frequently make little or no cash payment for their stock. A recent Government report cites the case of the control of an investment of $375,000,000 by $1,000,000 of stock. This case, the extreme, is symptomatic of a situation which has alarmed many careful observers of public utility finance. In the frequent shufflings of securities which seem to characterize public utility holding company finance, assets have too frequently been written up and additional securities issued. The thinking investor may well ask: where is the investment that will justify the earnings necessary to pay dividends, in case the fairness of existing rates is challenged by public authorities? Millions are spent on propaganda. The managing director of the National Electric Light Association says: "Don't be afraid of the expense. The public pays the expense." The investor may well ask whether he has any right to expect the public to pay the expense. When certain leaders in the industry fight any attempt at effective regulation of the network of intercorporate relations, it would be surprising if some doubt did not arise as to how well faith was being kept with the public and with the investor.

The investor does not derive his suspicion from the politician, or the journalist, or the professor. The facts are written where he who runs can read: unchallenged figures and documents in Government reports. The critics of the utilities need not draw on Moscow for their inspiration when they ask for an effective regulation of the tangled maze of financial relations. The United States Supreme Court said, nearly 15 years ago, in regard to railroad regulation, that "there can be nothing private or confidential in the activities or expenditures of a carrier engaged in interstate commerce," and that the powers of governmental investigation "extend to all activities of carriers and to all sums expended by them which would affect in any way their benefit or burden as agents of the public."

The politicians, the journalists and the professors are facing realities when they ask that the affairs of the power industry, no matter how entangled by holding companies, shall not be beyond the scope of public regulation. This is as much for the protection of the investor as it is for the protection of the consuming public. If the leaders in the power industry will recognize this they need have no fear about the continued flow of investment funds into that great industry.

How the Banks Manage. It is not possible to present instances of hidden exploitation in all phases of economic activity. They are extremely numerous. At best we can take space for only a few typical cases. The cases of banker exploitation quoted from the testimony of Professor Charles A. Beard in the preceding chapter will apply in this connection also. The exploitation in those cases was of the railroads and of the public generally by means of the financial control exercised over the railroads by the banking interests. The hand that controls the credit required for the financing of industry wields great power, in fact the power of life and death over industry. As a consequence industry

will usually pay a high ransom for the privilege of existence. This sort of exploitation is of course in addition to various methods already described of extracting tribute from industry by the financial groups whose chief business is serving on boards of directors and lending money. The case presented below describes another method by means of which the financial leaders manage to come through financial difficulties with much less damage to themselves than occurs to the people who intrust their money to them for safe keeping. Some extracts from an article by Lawrence Dennis in the *New Freeman* will render fairly concrete practices that doubtless have been quite common in banking circles, although they have not always proved as disastrous as in the case here referred to. The country had several thousand bank failures in the boom and depression periods following the Great War. Dennis' account and discussion of the subject, as reproduced in the daily press, follows.[1]

Closing of the Bank of United States in the City of New York last December 11 was the biggest bank disaster in American history, and another incident of the deflation of the greatest speculative boom of all time. The failure has precipitated bankruptcy proceedings and the criminal prosecution of certain officers and directors. To these proceedings we are indebted for considerable latitude in publishing facts and also for many facts to publish.

The curious would welcome similarly complete disclosures of the inner workings of other strong banking institutions, the holding companies or affiliates of which show little apparent difference, in either structure or operations, from those of the bankrupt Bank of United States. This information will probably never get out, because these institutions will doubtless not go into bankruptcy.

The one horrible example we have to talk about has stirred Tammany and Albany to righteous indignation and zealous concern over the fate of the victimized depositors and stockholders who, counting dependents, number some 2,000,000 people, mostly very poor. The purulent corpse is being dissected publicly, thanks to the commendable action of the office of Attorney-General Bennett and Special Prosecuting Attorney Steuer.

The financial rackets of Marcus and Singer of the Bank of United States, president and vice president respectively, were brilliantly conceived and skillfully executed. The term racket is used to denote a way of making money that is supposedly legal, although, according to certain not generally accepted standards, anti-social.

As it is a penal offense to circulate statements calculated to start a run on a bank, racketeering nowhere enjoys greater security from exposure than in banking. It has to be so; hence the necessity for public regulation that will do what the bankers have proved incompetent or indisposed to do, namely, to eliminate racketeering from banking.

Let us pass over the poignant human tragedies presented by the 417,000 despositors, mostly poor people, who suddenly found the savings of a lifetime in large part dissipated by processes which few of them, or of the rest of us, can comprehend. We shall try to view these events unemotionally in their larger social perspective. Technical details of banking do not interest us. It is finance as a function of government, a part of our larger economic pattern, that concerns us here.

[1] Adapted from the St. Louis *Post-Dispatch*, April 30, 1931.

We must understand that we are governed from Wall street as much as from Washington, and that the two are closely intertwined these days. For all social purposes, government and business are now one. The manufacturer, for instance, lives on a Government dole in the form of the tariff quite as much as the politician lives on the budget or as the unemployed would live on an unemployment dole if they were to get one. . . .

The bankers . . . exploit the agencies of publicity which only great financial power can command. They suppress effective counter-propaganda. When the bubble has burst, they disclaim responsibility for the inflation, and rebuke the people for unwise optimism in paying too much for securities priced, recommended and sold by bankers during the boom.

There are substantial reasons for the distribution of the different banking functions among distinct organisms, each independent of the other. The banker who handles deposits and trust funds or who advises investor clients should be disinterested. No man can serve two masters. He should be the agent or fiduciary of his client; he should not stand in a seller-buyer relation to his client. The banker who is running a business on the side through an affiliated company, say a real estate development, ought not to be able, through the affiliate, to use in that business money entrusted to him as a banker for safe keeping. A banker cannot appraise fairly for a client an investment in which the banker is personally interested. The trend, however, continues toward bank mergers which violate these principles and combine under direction all the functions of finance. Obviously there can be no real independence among functional departments of the same organism. The client finds himself pitted against a highly integrated financial Frankenstein which would make itself the arbiter of all his financial problems and even the master of his business or fortune. . . .

Railroad Finance — Rebates. The railroads have been especially apt in the practice of all manner of financial camouflage. Stockwatering is one of the most profitable procedures that industrial and economic enterprises have used to exploit the consumer, the investor, the laborer, and the public. One of their secret devices that persisted through many decades, and was common even after it had been outlawed by the action of state legislatures and the National Congress, was the practice of rebating shippers and others who had powerful holdings in the railroads. The rebates paid to the Standard Oil Company became notorious in the last quarter of the nineteenth century and after and were described at length by Henry Demarest Lloyd, Ida M. Tarbell, and others. Our case illustrating this practice and how it was mitigated, if not abolished, is taken from an account of an investigation of subsequent legislation which occurred in Wisconsin a generation ago. The railroad officials continued steadily to give rebates until the legal right of examining their books was obtained through legislative enactment. It was then shown that they had illegally deducted each year large sums which were paid out in rebates from their gross earnings account, in order to escape taxes. A brief account of this case follows.[1]

[1] Adapted from Ray Stannard Baker, "Railroad Rebates," *McClure's Magazine*, XXVI: 186–187 (December, 1905). See statistics presented in the article, but not reproduced here.

The total amount of all such deductions from 1897 to 1903 was found to be $10,500,000 in the State of Wisconsin alone.

"Upon this amount," said Governor La Follette, in his message, "the railroads should have paid a tax of four per cent, or approximately $420,000, of which sum the State has been defrauded."

Three small railroad companies at once paid up, but the others are now fighting the State in the Courts.

Of the $10,500,000 of illegal tax deductions about $7,000,000 was in the form of illegal rebates and discriminations of all sorts. In getting at these figures the investigators went back in all cases to original records of the companies themselves and they *excluded* every sort of refund that could, by any excuse, be called legitimate — such as refunds on account of charity, courtesies between railroad officials, overcharges, mistakes, accidents, bankruptcies, and other refunds where no discrimination was practiced, as in the redemption of mileage-book covers. After leaving out all these items it was shown that every railroad of any importance in the State was a rebate law-breaker. Every road gave rebates every year — and upon both freight and passenger earnings.

The Van Sweringen Case. A senatorial investigation of the finances of the Van Sweringen group of railroads in 1936–1937 brought out some very interesting and intricate turns in railroad financing and inverted pyramiding of control through holding companies, bank loans, and other types of financing, which apparently are common enough although not as yet generally known to the investing public as a whole. Perhaps fuller publicity of such methods will serve to check somewhat their undesirable features. It is not possible to go into these adequately here, but the report of the Wheeler Committee is available. An editorial summary of some of the results of this financing will be instructive at this point.[1]

Great banking houses vied with one another for the Van Sweringen account, and J. P. Morgan & Co. won the brothers' favor. That much at least is clear in the testimony, before the Senate Railway Finance Committee's inquiry, of witnesses who have told about the vast, intricate operations.

An incident, too, may be noted which, had the motion been carried, might have assumed the proportions of a rebellion. We refer to the explosion of an officer of the Chase National Bank. Enraged at the penurious "allotments we are receiving," he was all for charging in head-on, "just as we went after the foreign business." The treasonable utterance was tabled, and now that it is all over, E. R. Tinker, sponsor of the resolution, is happy that his declaration of war was overruled.

For the Van Sweringens were ultimately "poison" to the bankers. The experience of the Morgan firm is in point. As head of a syndicate, that firm issued Van Sweringen securities in the amount of $518,627,000 over a period of 16 years. The connection yielded a profit of $8,000,000, which was more than wiped out by loans to the brothers. In the end, the net result to the Morgan firm, so Mr. Lamont says, was a loss of $1,621,000.

The financial obituary of the Van Sweringens may be briefly inscribed. They started without the proverbial shoestring. With "other people's money," they

[1] From the St. Louis *Post-Dispatch*, March 5, 1937.

secured control of three billion dollars' worth of railroad property. They finished without the proverbial shoestring. From nowhere to nowhere.

But what of the investing public which bought the half-billion of Van Sweringen securities marketed through the Morgan syndicate? The investors are, of course, the "other people," the misuse of whose money was analytically indicted long ago by the present Justice Brandeis. Their $500,000,000 of the immediate discussion is gone with the snows of yesteryear.

An Appeal for Honest Finance. The quotations reproduced above serve to show how powerful financial organizations control financial investment and manipulation in their own interests. If there were space, voluminous evidence, consisting of business analyses, court records, congressional investigations, industrial biographies, studies in business history, speeches in congress and elsewhere, etc., etc., could be presented to show that these and other unfair methods of finance and business are of long duration and are still only partly controlled. The Interstate Commerce Commission and Interstate Trade Commission, as well as numerous state public service commissions, have been established to detect, prevent, and punish such procedures. The problem of controlling in the interest of the public such unfair manipulation of the investing public has not proved an easy matter. The following editorial points out, not only the social evils of such practices, but indicates some of the remedies that are required in order to give to the public adequate protective control of large business untertakings.[1]

Fictional finance would be hard put to it to duplicate the factual career of the late Van Sweringen brothers. Urbane observers of current phenomena have been perturbed by the feat of the two Cleveland real estate operators in contriving to get control of three billion dollars' worth of railroad property without investing any money of their own.

A miraculous accomplishment, surely, but the Van Sweringens had a still greater wonder to perform. When their railroad empire crumbled after the historic market crash, and their properties, one by one, went into receivership as their shriveling collateral could no longer carry their loans, the Van Sweringens prepared for the evil day of the auctioneer's hammer by organizing another holding company — the Mid-America — to appear as a purchaser at the forced sales. They also persuaded a glass manufacturer, George A. Ball of Muncie, Ind., to put up the necessary money, some $2,000,000, for Mid-America stock. But Ball did more than that. He gave the Van Sweringens an option to buy back 55 percent of the stock — that is, control — for the negligible sum of $8250. "Stout fellas," the Van Sweringens.

The fantastic story has been developed in the hearings before the Senate committee investigating railroad finance. As chairman of the committee, Senator Wheeler listened incredulously to the narrative. Now, in a preliminary report, Mr. Wheeler ventures the whole Mid-America project may have been illegal. If it is illegal, he suggests that the Interstate Commerce Commission be empowered by law to protect the public interest against such machinations. In a word, he would give the Interstate Commerce Commission the authority to regulate the speculative holding company which at present seems to dwell in a zone of immunity.

[1] From the St. Louis *Post-Dispatch*, March 5, 1937.

There will be wide approval, we feel sure, of Mr. Wheeler's recommendations. And in view of the effective inquiry thus far, the Senate, it is assumed, will provide additional means for the committee to continue its investigation of railroad finance.

It is vitally important for the country to learn all it can about what the bankers and promoters have done to the railroads and to stop the vicious practice by laws that cannot be detoured.

Summary and Conclusion. It is not necessary further to multiply examples of exploitation by hidden techniques of control. They are common enough and are coming to be more easily observed. In particular, the subordination of the press and of other organs of public opinion might properly command our attention if there were space available. But such control of opinion through opinion-making agencies may have socially favorable as well as unfavorable results. This, however, is not likely to be the outcome if such control of public opinion is accomplished secretly through clandestine payments to propaganda agencies, as is so frequently the case. This type of control, along with other types more or less similar, will be treated in subsequent chapters.

In this chapter we have been concerned especially with those types of fraud that are of relatively every day occurrence. These are, naturally, very numerous and would require a volume instead of a chapter for anything like an adequate presentation, even in outline. It has been the purpose here to select a few representative and striking examples. Among these, what are ordinarily called "rackets" absorb considerable attention. They are especially numerous and almost everyone has been more than once the victim of one or more of these "rackets." It is also sometimes said that everyone has his own "graft" or "racket" whether he realizes, or admits it, or not. In large measure the more civilized peoples have outgrown the cruder types of rackets, consisting of the direct forms of bribery, corruption, and blackmail, such as we saw persisting in Hindu society. However, all semi-civilized peoples continue to use such practices, and they are by no means unknown among ourselves. Any old and overpopulated, highly formalized society, in which the masses of the people are poor and highly stratified socially, displays much of this sort of petty graft and bribe-taking. For the same reasons it is more common in Europe than in America, and it is more frequently to be found in cities than in prosperous rural districts.

Political corruption, even in high places, appears to have been common everywhere and at all times. One reason for this is that the factional or party system requires workers, but since there is no legitimate and recognized method for compensating the party workers through ordinary channels, they pay themselves through some form of political graft. To stop this clandestine graft it has been proposed to make party workers public employes and remunerate them openly and legally from

the public treasury. But this plan does not meet all the problems involved. The cases of corruption here presented and drawn from a capable British historian seem to support the contention of the wide prevalence of political graft. If, possibly, such practices have been less frequent in this country it is probably due to our greater degree of political independence and to a less well developed system of patronage. But our cases seem to show that the same types of evils are developing alarmingly in our state and city governments. There appears to be less evidence of the same sort of graft and corruption in our national congress and administration. It is difficult to believe, however, that many peoples have ever surpassed us in local political corruption, especially in connection with the contamination of elections under the influence of boss-ridden politics. The cases here are very numerous indeed. Possibly the very number of such cases coming into the courts has something of the promise of civic improvement in it. It may indicate a will and a courage on the part of the courts and the law enforcing agencies to stamp out such practices. The lobby in particular is coming in for a good deal of public criticism and legal attack in our time.

Finally, economic and commercial graft and exploitation has had a rapid and large growth in recent decades. This growth has been especially in the direction of the size of the units exercising questionable practices, and is closely parallel with the growth in size of business units themselves. It is sometimes regarded as ironical that at the very time when our society is doing much to abolish graft and racketeering on a small scale and is "cleaning up" small business in a way never accomplished before, racketeering has grown to huge proportions in large-scale business. Our cases illustrate this fact in good measure. The explanation of this illogical situation lies of course partly in the fact that big business is powerful and can protect itself against discipline; it commands the admiration of the small man who wants to be rich; and it can afford to "buy up" many politicians and other interests, or at least to influence their opinions in one way or another — perhaps largely by means of financial favors indirectly or incidentally bestowed.

It may be said in conclusion that, although the rise of democratic participation in government and the increased power and opportunity of labor to participate in the intelligent planning and control of the productive process have greatly expanded the practices of graft, corruption, and other shady methods of exploitation in politics, industry, and some other human relationships, it seems likely that a wider experience of the masses with both government and the control of industry will lead ultimately to a gradual decline in these types of exploitation. In fact, it seems that this decline has already been visible in some respects for the last three decades.

STUDENT EXERCISES

1. The instructor should have the students clip as many issues of daily papers as possible to form a collection of the forms of hidden exploitation mentioned or discussed in this chapter.

2. The cases clipped should be classified and, if the collection is sufficiently large, some interested member of the class should be encouraged to tabulate the cases and present the results to the class.

3. What types of hidden exploitation not mentioned in the chapter can members of the class name or describe?

4. What instances of purely individualistic attitudes, analogous to those described in the selection from Bossard, can the class describe?

5. In what relationships in this country are most cases of petty graft to be found, according to the observation and experience of members of the class?

6. In what relationships does major graft occur?

7. Some of the students will be able to compare conditions as described in exercises (4) and (5) above as they exist in other countries which they have visited or read about.

8. In what economic and social classes and groups, and in what occupations, are these practices to be found most frequently? Least frequently? Explain these facts.

9. How do you explain the existence of the forms of graft described as being so common in India?

10. A report on "The Chinese Attitude toward Graft," by Pearl S. Buck, in *Harper's Magazine*, December, 1934, would be interesting for purposes of comparison.

11. How do you explain the prevalence of the various forms of political corruption in England in the eighteenth century as described by Thomas Erskine May?

12. Students should be assigned to report on the cases of vote buying in Adams County, Ohio, and elsewhere in the first decade of the nineteenth century as described in the popular magazines of that time. See *Readers' Guide*.

13. Some student may wish to make a report on political practices in vogue under the old nominating convention system. Materials can be found in *Readers' Guide* or in books on political parties.

14. D. T. Lynch's life of "Boss Tweed" may be taken as the basis of a report on early forms of political corruption. M. R. Werner's *Tammany Hall* may be used for the same purpose.

15. For examples of hidden controls frequently used by economic interests seeking to dominate politics and government, students may consult and report on many cases described in various books by Lincoln Steffens, Gustavus Myers, Henry George, Jr., Henry Demarest Lloyd, Charles Edward Russell, Upton Sinclair, and others.

16. Shady big business practices are described in considerable profusion by the same authors, and especially in Lloyd's *Wealth against Commonwealth* and *Lords of Industry*, in Russell's *Story of the Railroads* and *Story of the Non-partisan League*, and in Myers' histories of great American and Canadian fortunes.

17. Similar materials may be found in the files of *McClure's Magazine*, the *American Magazine*, *Everybody's*, *Hampton's*, *Pearson's*, and other "muckraking" magazines popular in the first decade of the twentieth century.

18. An excellent summary of early criticisms of these practices may be had in C. C. Regier's *The Era of the Muckrakers* (University of North Carolina Press, 1932).

19. Treatments of shady practices used by business at the present time may be found in L. D. Brandeis' *Other People's Money*, W. Z. Ripley's *From Main Street to Wall Street*, Norman Thomas' *Exploitation in America*, Stuart Chase and F. J. Schlink's *Your Money's Worth*, Henry P. Fairchild's *Profits or Prosperity?*, Harry W. Laidler's *Concentration of Control in American Industry*, M. R. Werner's *Privileged Characters*.

20. Students may be assigned to study and report on the legislation proposed or enacted during the recent great depression to control holding companies, the New York Stock Exchange, the floating of securities, and other current economic institutions and processes. Materials may be located through *Readers' Guide* and the library catalog. What was the purpose of this legislation?

21. A similar report should be made of the pure food and drug bills of the Roosevelt administrations. What evils of distribution of the products in question gave rise to these bills? What opposition did they meet from the lobbyists, and why?

22. Another student should be assigned to report on the lobby system.

23. Some student should be assigned to study and report on the controversy over the "packing" of the Supreme Court in 1937. Perhaps two students might be assigned to opposite sides of the controversy and asked to summarize the arguments presented on both sides.

24. Students within reach of newspaper files dealing with the Missouri vote frauds of 1936 should read and report on this matter.

25. The Van Sweringen railroad investigation case of 1936 should also be studied in a similar manner in order to determine the under-cover financing methods used in this case.

26. Other earlier cases of shady railroad financing might be reported for purposes of comparison.

27. The instructor should assign the three articles by John T. Flynn (*New Republic*, Vol. 67, pp. 304–307, 335–338, and Vol. 68, pp. 14–17) on "Graft in Business" either to the class as a whole, or to three separate students for report to the class. This assignment might well precede the discussion of the text material on the use of graft and other hidden methods in business.

28. The student will find an extended treatment and description of rackets, grafts, swindles, etc., in G. Dilnot's *Getting Rich Quick*.

29. Compare this work with an earlier book by Louis D. Brandeis entitled *Other People's Money*. What is the difference between the "grafts" treated in the two works? Is there any difference in the control methods employed in the two types of operations described?

30. Still a different group of rackets is described in C. L. Ewen's *Lotteries and Sweepstakes*, a book dealing with the historical, legal, and ethical aspects of these gambling procedures. The students may wish to classify the processes described in this book.

31. Classify the forms of fraud described in this chapter and show how they differ from those described in Chapter IX.

Chapter XI

MANIPULATION, INTRIGUE, DECEPTION, AND CONFUSION

The Relationship of Present to Preceding Controls. In the present chapter we shall discuss a number of more or less hidden control procedures, which for the most part aim at exploitation. Sometimes the objective is merely manipulation for the good of the person or groups controlled; but such a motive is too altruistic to obtain generally. The exploitation devices treated in this chapter are of course closely related to those discussed in the last two chapters, but they tend to differ in one important respect. In the preceding controls it was not so important if the persons controlled were aware of this fact. This was obviously the case when force was used, but somewhat less generally true in the case of racketeering and in the practice of fraud generally. In manipulation, however, those manipulated should not understand what is taking place.

Referring back to the general plan of the work outlined in Chapter III, it is clear that we have now reached that point of the development of the book at which the general method of propaganda develops out of, and continues on a milder level than we have hitherto noted, the general method of exploitation by means of fraud. Manipulation and the other special forms of control treated in this chapter usually involve propaganda procedures. Yet the method is not purely that of propaganda and persuasion; it is rather transitional to propaganda. It will be noted that in these controls the controller seeks less to persuade the individuals controlled to go against accepted usages or to adopt new ones than to determine the selection of the general pattern of behavior to be adopted. More is accomplished by determining the general direction of events, while the particular events, as far as the individuals controlled are concerned, are allowed to take their own natural course. Thus the controlled are the more easily manipulated.

Our purpose in classifying the various techniques and methods of social control has nowhere in this book been to make absolutely mutually exclusive groupings under so many chapter headings or subsidiary categories, because in the actual control procedures as they exist in practice no such absolute distinctions exist. Such is the overlapping of all the types of controls that our arrangement shows a close

interrelationship and a gradual shading off of one category into the one next following. This fact was well illustrated and strongly insisted upon in Chapter III. This "shading off" or graduation of controls has been especially observable in the preceding chapters, and it will be apparent in the subsequent chapters. The same sort of "shading off" is to be seen also in the types of controls discussed in this chapter. One type of control grows out of another.

Manipulation — Maneuvering a Queen. The first of these categories to be discussed here is manipulation, a more subtle form of exploitation than any we have previously discussed. Some of the cases treated in the preceding chapter also involved manipulation, but not as the primary feature of the exploitive control. Here the chief emphasis is upon exploitation. However, in the first case presented, exploitation is apparently a very minor consideration. If Lytton Strachey is correct,[1] a deep personal interest in the Queen on the part of Lord Melbourne threw the exploitative feature decidedly into the background. The account of this bit of highly systematic personal manipulation, which we might call "maneuvering a queen," is taken from one of the most delightful works of reminiscence of a generation ago.[2]

In June, 1837, the vivid interest of the political situation centred in the unknown personality of the girl-Queen. Every one had known all about George IV and William IV — their habits, tastes, opinions, and desires — long before they came to the throne; but about Queen Victoria nobody knew anything. Even now, when abundant light has been thrown by her own memoirs and journals on her early years, we only know that she was strictly, even severely, brought up, carefully taught, and kept in an almost complete seclusion. She had no contact with political party — least of all, one might say, with the party of freedom and progress; for neither the Duchess of Kent nor Sir John Conroy, neither Baroness Lehzen nor Dr. Davys — the quartet who ruled her youth — was likely to turn the Princess's early sympathies towards Liberalism. But it chanced that when she ascended the throne the prime minister was the fascinating Melbourne; a sorry politician, indeed, but a man of attractive gifts and infinite resource; easy, courteous, playful, and high-bred; by common consent, the most brilliant figure in the most brilliant society of the time. Heretofore he had been indolent to the point of lethargy; but now he suddenly rose to the height of his new duties, and applied himself with a vigor which astonished his friends to the task of guiding and protecting the girl-Queen. There can be no doubt that the best part of his nature was aroused by the nature of his task; but it is not uncharitable to surmise that he also saw a unique opportunity of promoting the interests of that political party to which he was sincerely, though languidly, attached. His first step was to fill the Queen's household with ladies on whose loyalty to Whiggism he could confidently rely. The beautiful and majestic Harriet, Duchess of Sutherland, became mistress of the robes; and the very names of Lady Lansdowne, Lady Tavistock, Lady Durham, and Lady Portman were enough to guarantee the political soundness of the Queen's immediate surroundings.

[1] See his *Queen Victoria*, 1921.

[2] G. W. E. Russell, *An Onlooker's Note-Book* (Harper and Bros., New York, 1902), pp. 82–84.

Melbourne's next step was to establish himself as a permanent inmate at Windsor Castle. "Month after month he remains here, submitting to the daily routine. Of all men he appeared to be the last to be broken in to the trammels of a court, and never was such a revolution seen in any one's occupations and habits. Instead of indolently sprawling in all the attitudes of luxurious ease, he is always sitting bolt upright. His free-and-easy language, interlarded with 'damns,' is carefully guarded and regulated with the strictest propriety, and he has exchanged the good talk of Holland House for the trivial, labored, and wearisome inanities of the royal circle." So wrote the watchful and dispassionate Greville.

The "Wire-Puller." We have already had occasion to describe some of the exploitive activities of the politician, including the work of the political boss. Here we draw upon Henry Sumner Maine for an illustration of the manipulative technique of the local political leader, or "wire-puller." He is one of the established institutions in every country where votes are to be controlled and legislative or other political trading is in vogue. The work of the "wire-puller" is largely personal, which makes it necessary for him to be, in his way, a skilled diplomatist, as the following description shows.[1]

There is no doubt that, in popular governments resting on a wide suffrage, either without an army or having little reason to fear it, the leader, whether or not he be cunning, or eloquent, or well provided with commonplaces, will be the Wire-puller. The process of cutting up political power into petty fragments has in him its most remarkable product. The morsels of power are so small that men, if left to themselves, would not care to employ them. In England, they would be largely sold, if the law permitted it; in the United States they are extensively sold in spite of the law; and in France, and to a less extent in England, the number of "abstentions" shows the small value attributed to votes. But the political *chiffonnier* who collects and utilises the fragments is the Wire-puller. I think, however, that it is too much the habit in this country to describe him as a mere organiser, contriver, and manager. The particular mechanism which he constructs is no doubt of much importance. The form of this mechanism recently erected in this country has a close resemblance to the system of the Wesleyan Methodists; one system, however, exists for the purpose of keeping the spirit of Grace a-flame, the other for maintaining the spirit of Party at a white heat. The Wire-puller is not intelligible unless we take into account one of the strongest forces acting on human nature — Party feeling. . . .

It is through this great natural tendency to take sides that the Wire-puller works. Without it he would be powerless. His business is to fan its flame; to keep it constantly acting upon the man who has once declared himself a partisan; to make escape from it difficult and distasteful. His art is that of the Nonconformist preacher, who gave importance to a body of commonplace religionists by persuading them to wear a uniform and take a military title, or of the man who made the success of a Temperance Society by prevailing on its members to wear always and openly a blue ribbon.

How Strong Nations Strangle Weak Nations. Passing from the arena of domestic to that of foreign politics, we have an excellent illus-

[1] Adapted from Henry Sumner Maine, *Popular Government*, 1886, pp. 30–34.

tration of manipulation in the planning of the Allies — especially of France — to prevent the recovery of Germany after her defeat in 1918. Although the plan did not finally work out as intended, because the conflicting interests of the Allies prevented them from enforcing the scheme as a unit, this failure was not due to a fault in the planning as described in the following selection.[1]

From the very beginning of the war an active propaganda had been carried on in France for the permanent exclusion of German economic activity within the boundaries of the Republic and its colonies. Proposals for concerted economic discrimination against Germany by all the Allies thus found the ground well prepared. The French press was enthusiastic from the first. In December, 1915, the well-known French writer, Jean Richepin, announced in the "Figaro": "The idea of a commercial league which will continue after the war a tireless, merciless struggle against German hegemony after breaking it by force of arms, is one that I most heartily approve. On several occasions I have treated the subject under the significant title of 'The Second War.' I shall persevere in this campaign with so much the more energy now that I perceive the unanimous ardor of all the Allies in their determination to carry out this idea. By this means and by this alone will our victory be completely and absolutely consolidated." About the same date the "Nouvelliste de Bordeaux" thus outlined the measures necessary to secure Germany's economic downfall: "It is quite possible now to indicate some of the methods that seem essential: absolute refusal of naturalization to all Germans in the conquering countries; refusal to allow the establishment of commercial agencies; the stock exchanges of Paris, London, and Petrograd pitilessly closed to the stocks from beyond the Rhine. Above all, the Allies must seize by right of conquest certain territories the loss of which will mean to the German provinces a notable decrease in their economic wealth." M. Sancholle-Heuraux, in "La Revue" for May, 1916, remarked, "At its last congress the French Socialist party declared that it did not desire the economic ruin of the Central empires. This idealistic affirmation was a deplorable error." The economic conference of the Allied governments held at Paris in June, 1916, and its recommendation for future economic collaboration excited the warm approval of nearly all the French press. A few Free Traders like Yves Guyot looked askance on principle, and other economic writers like Max Hoschiller and Henri Hauser doubted its practicability, but the majority opinion ran obviously the other way.

How Strong Nations Absorb Weak Nations. There seems to be a general pattern of manipulation by which a stronger nation manages to get control of the whole or of a part of the territory of a weaker nation. The New York *Herald Tribune* has obligingly analyzed this process for us and we present it below.[2]

The use of castor oil as a weapon of political chastisement made it plain that Benito Mussolini was a genius, or at least ingenious. But the nimble-wittedness which led to the use of this new weapon in internal affairs is apparently absent in

[1] From T. Lothrop Stoddard, *Present-Day Europe* (The Century Co., New York, 1917), pp. 63–64.

[2] From the St. Louis *Post-Dispatch*, February 19, 1935.

his conduct of international affairs. His relations with Abyssinia have followed the completely conventional pattern. This usually runs as follows:

1. Provoke an "incident." Magnify this and make it plain that national honor or safety is imperiled as a result of this incident.

2. Call the world to witness the indignity caused by this incident and rouse home opinion to a sense of outraged national prestige.

3. Mobilize more than enough forces to "punish" the offending nation. Insist that this is purely "precautionary" or for "defensive purposes."

4. Make demands for retribution so extreme that the offending nation cannot accept them without too great humiliation.

5. In the event that the offending nation "crawls," return to Act 1, followed by Act 2.

Carried far enough, this procedure inevitably leads to the desired results — unless, of course, other nations step in to help the accused nation.

Present indications are that the other Powers, notably France and Great Britain, are confining their activities to "advice" to the Abyssinian Emperor to be "reasonable." This, in plain language, means that they are abandoning Abyssinia to Italy. Just how far they are prepared to let Italy go is not yet clear. But the fact that they have made no effective protest to Signor Mussolini and have instead urged moderation on the Abyssinians, even though this is a little like urging "moderation" on Belgium in 1914, suggests that Italy is to have a free hand.

The frontier dispute is to be settled by a joint Italo-Abyssinian committee. Experience elsewhere suggests that this commission will decide in accordance with the preponderance of armed forces between the two countries. This is merely another way of saying that it will consider expediency rather than justice and that expediency is on the side of the Italians.

It all has a familiar ring. One wonders why no new technique has been developed. The present pattern is too much like the formulae used in writing short stories for the popular magazines — the handsome hero always wins the lovely lady. In this case, the expanding Power enlarges its territory, and the great Powers combine the gestures of wringing their hands and washing them.

How Big Business Handles Little Business. What can be done in international politics may also be accomplished in domestic affairs. In the case which is described below the author does not say that there was manipulation for purposes of exploitation, nor can we make any such assertion. We present the case in the words of the author, assuming that it is an accurate account of the facts in the case.[1]

The bank in Fargo, the largest city of the state, with which the League did most of its business, was called the Scandinavian-American. It was supposed to be one of the strongest banks in the Northwest. Of a sudden the people of the state were astonished to learn that the state banking board, ignoring the state bank-examiner, had descended upon the Scandinavian-American, objected to the presence among its assets of the League's postdated checks, declared 50 per cent. of the farmers' notes it held to be worthless, announced the bank to be insolvent, ordered it to be closed, and placed a receiver in charge.

The law apparently intends that banks shall be closed only upon the report of a

[1] Adapted from Charles Edward Russell, *The Story of the Non-Partisan League* (Harper and Brothers, New York, 1920), pp. 310–321.

state bank-examiner. It is unfortunate for any theory of good faith in these transactions that there was no report of a state examiner in this case, and that just before the closing of the bank the state examiner, Lofthus, had been sent out of the state by the majority of the banking board. The action may have been innocent enough, but it gave to the subsequent proceedings an appearance of unfairness, since Lofthus was generally trusted and might be depended upon to make an impartial examination of the bank's affairs, if he had been so requested. It appears that no such request was made of him.

The sudden closing of the bank created a situation of the gravest moment for the League. In the first place, under the conditions prevailing for grain-growers, if it could not accept post-dated checks no one could say how it could be financed at all. In the next place, it had thousands upon thousands of these postdated checks on deposit in banks through North Dakota and other states. If these were now to become worthless the League was struck a deadly blow, for it could not by any means raise the cash to make these checks good, and yet if this position of the banking board was correct, or should be sustained, every bank in which it had such deposits would instantly reject them or demand other collateral.

In the next place, such an organization proceeded, and must proceed, largely on the basis of its credit and prestige, and if this ruling should prove correct its credit and prestige were annihilated.

The news agencies sent by telegraph full accounts of the closing of the bank, and the next morning it is likely that every newspaper in the United States that had a news first page displayed this upon it, many with large head-lines written in what was undeniably a tone of jubilation. All about the country the impression was that the League would never recover from the blow. I was at the time in a city fourteen hundred miles away, and a gentleman prominently connected with one of the largest corporations in the country brought me the news. He came rubbing his hands and smiling a satisfaction he made no attempt to conceal. "That ends the Nonpartisan League," he said; "they can never get over such a wallop." The corporation with which he was connected had not a single interest at stake in the matter. Its business could not be affected a cent's worth, whether the League lived or died. He did not live in North Dakota nor within many miles of it. But . . . other corporations were involved if his was not, and his sympathies must necessarily be with the corporations.

His point of view seemed to be generally shared through the country by those similarly interested or connected. A New York newspaper printed an entire page announcing and exulting in the collapse of the League and all its program. It bore the page-wide heading, "Townley's Fiasco Shows Entire State There Is No Short Cut to Wealth." The article under this heading began with these words:

"Away out in North Dakota a bank blew up the other day. It blew up because it was full of hot air instead of hard cash." The writer then proceeded to show that this "hot air" was the direct and typical result of the mad schemes of the Nonpartisan League, and, the explosion having revealed to the people of the state the real nature of these schemes, they had to abandon the League, which was rapidly becoming to them only a painful reminiscence.

Accompanying this was an illustration of mounted and masked "night riders" armed with guns or carrying torches, who were thus made to appear as typical League members out upon an errand of destruction.

Meantime the Scandinavian-American Bank remained closed on the orders of the state banking board, but its officers and the League had moved at once to have the case reviewed by the courts. About twenty days later it came before the state

supreme court, which heard arguments for and against the action of the banking board, and on October 25, 1919, the court handed down its decision.

It found that the bank had been solvent when it was closed, that the state banking board had no right to close it and appoint a receiver without a report from the state bank-examiner, and that the postdated checks were good and legal collateral. . . .

The battle was saved and the bank reopened. And now remains to be recorded a strange fact. I have said that the news of the closing of the Scandinavian-American was telegraphed to every corner of the country and printed everywhere. One would naturally think that the news of the reopening would be at least as interesting. Yet this news, if telegraphed at all, was scarcely printed anywhere, and to this day the public, in the eastern part of the country at least, still believes that as a result of the extravagant and impracticable schemes of the Nonpartisan League the bank was permanently ruined. There may be some just and innocent explanation of this, but I do not know what it is.

In such conditions it is not to be wondered at if some of the League members gathered bitterness and believed that, in their own words, the cards were stacked against them.

Propaganda as a Method of Manipulation — Controlling the Newspapers. We now arrive at the employment of propaganda as such as a technique of manipulation. The four cases next following and the two cases dealing with confusion coming later in the chapter make use of this method. No attempt is made to group together all the cases embodying propaganda techniques, either in this or in other chapters, since propaganda is a general method which is frequently applied upon occasion to most of the controls not employing violence. At this point, however, it seems important to illustrate the use of propaganda as a method of manipulation, and later as a method of confusing the controlled.

In the following cases propaganda is used to enable public service interests to get control of various public opinion forming agencies by means of manipulation. Sometimes the carriers of public opinion which they sought to manipulate were the newspapers, sometimes teachers, at other times lecturers, and even text books and pamphlets. The data here recorded were taken from an investigation of these companies made by the Federal Trade Commission and arranged in the form in which it appears below by the secretary of the Committee on Coal and Giant Power. The first selection deals with newspaper control and manipulation.[1]

As the Illinois director [of the Illinois Committee on Public Utility Information] put it: "We are trying to promulgate the idea rapidly among the newspapers that public utilities offer a very fertile field for developing regular, prompt-paying customers of their advertising columns. When that idea penetrates the United

[1] From H. S. Rauschenbusch, *High Power Propaganda* (New Republic, Inc., New York, 1932), pp. 10–13.

States, unless human nature has changed, we will have less trouble with the newspapers than we had in the past." The director of the New York Committee adds, "No one advertisement, no one news story, will change public sentiment or create lasting good-will. Yet steady, persistent advertising, steady furnishing of information week in and week out will help materially to get any utility the place in public esteem which its policies and performance deserves." The director of the New England Bureau after six years of work reported: "Lack of advertising seems to be at the root of most of the criticism on the part of the newspaper men, which can be readily understood. . . ." The Pennsylvania director, A. G. MacKenzie, told his people that the country newspapers regarded advertising, paid-for advertising, as manna from heaven. . . . "We have a much better chance of being heard by the newspapers if we give them advertising, especially some of these smaller newspapers."

There were few states where the buying process reached quite the point it seems to have done in Georgia. Here the utility people seem to have persuaded the editors that all news about the utility problem had to be paid for. The industrial representative of the Georgia Railway and Power Company wrote: "Our greatest distress before we started the Committee was the printing by newspapers free of charge of propaganda written by public ownership fanatics. We answered those articles with paid advertisements and then insisted that the newspapers require the public ownership fanatics to also pay for the space they wanted. The result is that out of 250 newspapers in Georgia only four will publish anything at all from the public ownership people. . . ." The power to insist was the power to dictate. In Ohio it was pointed out to editors that they should be against municipal plants because municipal plants never advertised. It was an appealing argument.

The editors were often frank about the business too. When the secretary-manager of the North Central Electric Association (Minnesota, North and South Dakota) sent a questionnaire to the editors of the three states asking if they would use the publicity material to be sent out, "there were," he says, "a number who said they would use it if it was accompanied by paid advertising and others said they would use it if it was sent through the local companies." However, in Wisconsin some of the editors returned the publicity material with the pointed remark that the advertising columns were open. The Missouri Democratic Press Association applied for funds to the publicity director with the cajoling statement that the letter "is being sent to a number of prominent Democrats who have profited by the support of Democratic newspapers." The personal note was not lacking, either: "Dear Jack, please get the boys to come across."

"There can be no doubt," this director repeated, "that the editors are anxious to form close relations with public utility operators. Naturally they expect to develop some advertising from this contact."

Letters from many editors pleading for their share of the advertising fund are on record. Perhaps the most abject of these are from some of the so-called labor newspapers. The editor of the *Missouri Trade Unionist*, Charles W. Fear, who happened to be secretary of the Republican Editorial Association of the State, wrote the director about an advertising contract he wanted from the utilities: "A word from you might cinch me a regular contract. . . . When this aggregation wanted a franchise they promised me support and advertising if I helped them. I helped them and now they have a fresh upstart here who says he knows nothing about our helping the company and that they are right to adopt those tactics, but I doubt it. . . ." The letter closes with an ominous request for information, as he

wanted to start an educational campaign on the rates in Missouri. . . . "I can show up conditions which will look bad if I must."

The manager of the *Knoxville Despatch* had seen a notice in the Tennessee utility bulletin that newspapers of Tennessee were to share in a $28,000,000 advertising campaign to be put on by the utilities. He wrote to the director of Tennessee, "The *Knoxville Despatch* is friendly to the utilities corporations and has published numerous editorials in defense of private operation, etc. As to this I refer you to Col. C. H. Harvey, President of the Knoxville Power and Light Company."

Manipulating the Text Books. The attempt to get the "right sort" of materials into the text books seems to have met with due encouragement from certain sources, unless the following passage misinterprets the situation and the motives in question.[1]

The director of the Middle Western Division wrote to the Illinois Committee: "One of our State University professors, Kirchman, of the College of Business Administration, is writing a work under contract with Shaw Publishing Company on investments. He is now ready for a chapter on Public Utilities and came to see me. We spent a couple of hours today and I was able to furnish him with some literature that he considers pat. He says that he is trying to write the text in such a way that it will fit into his needs in the class room. Either he is stringing me or he is undertaking to see things as we would have him see them. I had never heard of him before but will undertake to get a 'closeup' on him and learn his antecedents and what influences may be back of his writings."

Using Pamphlets to Put It Over. The use of pamphlets, judiciously and widely distributed among educators and publicists, setting forth the contentions and point of view of the propagandists, but omitting or distorting the facts that would tell against them, is also a favorite method of winning a following for a special interest which has something to sell. The public service companies appear to have used this method even more effectively than they did that of manipulating the text books, as the following passage, taken from the same source, will show.[2]

The Iowa director [of the National Electric Light Association], Carmichael, distributed pamphlets claiming that watered stock was an impossibility in utilities, and that they made no profits in the sense that most businesses do. The Rocky Mountain director published a pamphlet with the assertion that the Smithsonian Institute has proclaimed the Ontario Commission a failure. He claimed not to know that the Smithsonian Institute had never said any such thing.

Some of these pamphlets have little obnoxious in them. They are usually the first ones sent into the schools. After that there is apt to be considerable *suppresio veri* and *suggestio falsi*. A plea that the utility practices should be let alone on the ground that many widows and orphans had their little all at stake was not neglected. Nor was the local patriotism left out. The youngsters were told that criticism of a town's utilities gave that town a bad name throughout the country.

[1] From H. S. Rauschenbusch, *High Power Propaganda* (New Republic, Inc., New York, 1932), p. 43.

[2] *Ibid.*, pp. 54–57.

Some of them, as the Connecticut Catechism, are so full of flaws, that it is astonishing the high school teachers of that state allowed them to stay in the schools for a minute. . . .

This practice of sending doubtful and gamey information into the schools has gone on now for over six years. During this time there was no considerable protest by the educational associations representing the secondary school teachers and principals, the school superintendents, the commissioners of education, the college professors or presidents. Nor did the parents protest. Nor did the local utility men, who in many cases functioned as citizens interested in the welfare of the schools, protest at the activity of their publicity directors.

Lectures and Radio as Carriers of Interested Propaganda. Everybody knows the partisan use made of the radio by business, partisan politics, and denominationalism in religion. The promotor who has something to sell may buy time on the radio and present a highly exparte set of arguments or a well-shaped emotional appeal in behalf of his particular product or promotion. The radio has largely superseded the lecture in this type of manipulation, but at the time the following passage was written the lecture was still much in demand for such purposes.[1]

The Illinois director wrote to the Missouri director . . . "it has been our custom to place certain educators before Normal Schools and other colleges in the state. We have no set rule or formula for this work. . . . More recently, we have adopted the plan of having a third party organization make the arrangements with the schools. In strict confidence, the Illinois Chamber of Commerce handled it for us during the last session. We, of course, paid the bill. We try to keep away from announcing the talk to have anything to do with Public Utilities — our last talks being on Government and Business."

It was even proposed to add certain professors to the staff of the utilities companies, a proposition which was probably welcomed by some of the professors, as the following account may seem to show.[2]

Dean Heilman reported: "The Public Service Company (Insull) has made a standing offer to the University of Illinois and Northwestern that any members of the faculty actually engaged in teaching they will be glad to take on the staff at a salary for the purpose of giving the man an opportunity for getting his first hand information. We have not been in a position to take advantage of that arrangement, but the man who has been in charge of utilities at the University of Illinois has been on the staff of the Public Service Company of Northern Illinois."

The Manipulation of Hearings. Somewhat similar in character, and involving at least some elements of propaganda, are the cases of manipulation of investigatory hearings and judicial procedures and personalities as described below. Public hearings before legislative committees

[1] From H. S. Rauschenbusch, *High Power Propaganda* (New Republic, Inc., New York, 1932), pp. 47–48.

[2] *Ibid.*, p. 50.

and various types of investigatory bodies are of course often manipulated to the advantage of one party or faction or the other. In the investigatory hearing, of which we have a partial account here, the attorneys for the railroads appear to have manipulated their testimony to much greater advantage than did the complainants. Also, there seems to be some suggestion on the part of the author that the hearing was itself in some manner or degree manipulated in the interest of the railroads, although he does not definitely say so.[1]

I have already referred many times in these articles to the Senate railroad investigation of last spring. Having refused to pass railroad legislation, and feeling sharply the public demand for it, the Senate deputized its regular Committee on Interstate Commerce, Senator Elkins of West Virginia, chairman, to give hearings on the subject after the adjournment of Congress. The Committee accordingly convened in April and sat for over six weeks, the testimony, including that presented during the previous regular session of the Senate, filling five large volumes of about 1,000 pages each.

An investigation like this, conducted under such imposing auspices, attended by great railroad and industrial magnates and statesmen, daily reported by able newspaper correspondents, furnishes about as good a vehicle for influencing public opinion as could well be devised.

Being such a fountainhead of information, it becomes of the utmost importance to look into the character and results of this information.

On the face of it the inquiry was an attempt by an unprejudiced committee of great senators to get at all the facts, that justice might be done to all the people — little as well as big, weak as well as strong.

But what do we find? The shrewd men of the railroads knew how important an engine of publicity this investigation would be, and their organization was ready.

They first employed, as a general agent before the committee, Ex-Senator Faulkner of West Virginia. Mr. Faulkner had himself served for twelve years in the United States Senate; he was therefore versed in every twist and turn of senatorial usage, and he knew, as personal friends and associates, all the senators on the committee. In the second place Mr. Faulkner is a very able attorney with much experience in railroad and corporation affairs. During the entire session of the committee he sat just behind Senator Elkins, its chairman, also from West Virginia, with whom he consulted frequently. Mr. Faulkner did not appear as a witness, but with the experience and skill of a thorough lawyer he brought in his witnesses, piled up the evidence in the most effective way, and arranged for proper and regular rebuttal of the fugitive testimony given by witnesses on the other side. After sitting for days in the committee-room the spectator had a sense as of expert scene-shifting, a well organized working out of a preconceived plan. Beside Mr. Faulkner sat Walker D. Hines, formerly vice-president and attorney for the Louisville and Nashville Railroad. At the beginning of the session he appeared for three days on the stand presenting the case of the railroads. His testimony alone fills 233 printed pages of the record. One after another, railroad presidents, railroad attorneys, railroad statisticians, great shippers who naturally favor the railroads were brought on by Senator Faulkner to support their case. Professor H. R. Meyer . . . appeared and gave sixty-five pages of testimony. H. T. Newcomb, formerly a

[1] From Ray Stannard Baker, "Railroads on Trial," *McClure's Magazine*, XXVI: 541–542 (March, 1906).

government statistician, now employed by the railroads, gave 185 pages of statistical information, prepared, of course, to prove the railroad case.

Many small shippers came from distant points on passes, all expenses paid by the railroads. All these men had a perfect right to be heard, but I wish to point out and emphasize the fact of the perfect organization of the whole railroad case — the facilities which the railroads had — money, passes, the best legal talent, and, above all, perfect discipline. Over two-thirds of the witnesses who appeared defended the railroads or the Armour Car-line Company. So continuous was this stream, that Senator Cullom once remarked to a witness:

"We have heard a good many business men from different parts of the country, and I have almost forgotten if we have ever heard anybody who complained of the railroads or favored additional legislation."

Against this orderly presentation of evidence, facts, and arguments, the witnesses who appeared demanding some regulation of railroad power were almost lost. Bear in mind the fact that all these men had to come on their own time and at their own expense; they had no lawyer to represent them, no expert statisticians, they could make no attempt to direct or centralize their evidence. Most of them knew only local conditions and little of the broader railroad and commercial affairs. The only semblance of organized and intelligent testimony on that side was given by E. P. Bacon of Milwaukee, chairman of the executive committee of the Interstate Commerce Law Convention, and a few of his associates in the movement for governmental regulation of the railroads. But Mr. Bacon was present only a part of the time; and there were whole days when no representatives of the opposing interests were in attendance, and the evidence of the railroads met no opposition whatever. If it had not been for the testimony of the Interstate Commerce Commissioners, of Governor Cummins of Iowa, and a few others real public interest would have made next to no showing at all. And at the close of the session, the committee allowed Mr. Hines, the railroad attorney, to appear and present forty-six pages of testimony in rebuttal of that given by Mr. Bacon and his associates. The disparity between the perfectly organized railroad attack and the feeble, ragged opposition was nothing short of pitiable. The effect on the newspaper correspondents was evident at once, and there is good reason to credit the claim of the railroads, generally made after the adjournment of the committee, that they had changed the sentiment of the whole country.

Let us look a little further into the investigation. It was very remarkable in other respects. Not only did the railroads present their case strongly, but the Senate Committee allowed the railroad witnesses to attack the opposition on personal grounds. They sought to show that all who opposed them were agitators, that they represented no public opinion, and that they were actuated by personal interest.

Manipulating Court Trials. From the manipulation of investigatory bodies we turn to the manipulation of court trials, largely by means of propaganda. The attempt in this case seems to have been to influence from without both public opinion and the court, and the methods used tend somewhat to recall the Hauptmann trial for the kidnapping of the Lindbergh baby, held in New Jersey in 1934–1935.[1]

[1] From Charles Kingston, *Famous Judges and Famous Trials* (Frederick A. Stokes Co., New York, n.d.), pp. 204–206.

Meanwhile a new force had arisen in London to look after the interests of the accused. This was the "German Legal Protection Society," which was formed by a collection of Germans residing in the metropolis, whose actions in the matter seem to have been based on the assumption that the cowardly murder of an old man by a young German ought not to be visited with a just punishment of the law.

They tried to draw a herring across the path of the natural resentment against the criminal by asserting that the prosecution of Muller was inspired by political spite. Prussia had just robbed Denmark of the Schleswig-Holstein provinces, an act which had been censured by every freedom-loving Briton, and the "German Legal Protection Society" said that Muller ought not to be charged with murder simply because he happened to belong to the nation which had recently displeased Great Britain.

A large sum of money was subscribed for Muller's legal expenses, and Mr. Serjeant Parry, then at the height of his fame, was the leading counsel engaged.

The Government, however, sent down to the Old Bailey Sir Robert Collier, the Solicitor-General, Mr. Serjeant Ballantine, Mr. Hannen — afterwards the President of the Divorce Court — and Mr. Hardinge Giffard, later Earl of Halsbury and Lord Chancellor of England, to prosecute — a formidable, legal team, which proved how seriously the authorities regarded the case.

With Lord Chief Baron Pollock and Baron Martin as the presiding judges there could be no doubt of the fairness of the trial. The defence was permitted every license, but it is surprising, considering how strong the evidence of guilt was, that the trial should have occupied three days.

Of course Muller protested that he was innocent. Once he was told that his fellow-countrymen in London were convinced of their ability to secure his acquittal he posed as an injured innocent. He must have known that conviction was certain, but he hoped for a reprieve. For that reason he refrained from confessing until the moment the noose was actually round his neck.

Pollock's summing-up shivered to atoms all the well-built-up theories of counsel for the defence. He laid impartially before the jury the facts on either side, and in the fairest manner indicated the overwhelming strength of the circumstantial evidence. A quarter of an hour sufficed for the jury to decide, and when the verdict of guilty was announced Baron Martin sentenced the murderer to death.

"The German Legal Protection Society" instantly summoned all its forces for a sort of grand assault on British justice. Deputations of square-headed Prussians with unspeakable names thronged the Home Secretary's office. A reprieve was called for, and a petition got up in favour of it, but very few decent persons appended their signatures.

The Germans, however, had no difficulty in securing the interest of the then King of Prussia and a host of minor Prussian princes, who, in the intervals of dodging their creditors, did not mind taking part in a discussion of which they knew nothing. The papers were deluged with letters, and all the usual tricks characteristic of the Germans resorted to. Much political capital was made out of the affair, and the society succeeded in obtaining the support of nearly every German in London. Their greatest achievement was that of making the King of Prussia telegraph direct to Queen Victoria at the last moment, requesting her to save Muller from the hangman. But there was never any danger of the cowardly ruffian escaping his just doom. The Home Secretary consulted Lord Chief Baron Pollock, and it was mainly on his recommendation that a reprieve was refused. The murderer was executed publicly, and at the last moment confessed his guilt to the German chaplain who attended him on the scaffold.

Manipulation by the Judge. Of course many other types of court manipulation are known both to the lawyers and judges and even to the public at large. We have already described the method of procedure used by Jeffreys in his famous judicial murders in seventeenth century England. We have also presented some accounts in previous chapters of the manner in which trials of offenders against the election laws and other safeguards of the public liberties are manipulated against the people. The conduct of criminal trials in our courts is frequently a disgrace to the institution of justice. An abundance of material of this type can be found for experimental class study and analysis; but we cannot close this part of our study of manipulation without taking one more case from the courts, this time of manipulation from within, to balance off the preceding case, in which manipulation was from without. In this case Jeffreys comes back upon the scene and the renowned Richard Baxter is the accused. He is being tried for sedition against the king (Charles II) and the judge conducts the prosecution in such a manner as to deny him a proper presentation of his defense.[1]

Abhorrence, disgust, indignation, and all other feelings of the sterner kind, gave way to the irresistible sense of the ludicrous, in some parts of the judicial career of Jeffreys; and "to be grave exceeds all powers of face," in reading the narrative of this proceeding, which was drawn up by one of the spectators. The judge entered the court with his face flaming, "he snorted and squeaked, blew his nose and clenched his hands, and lifted up his eyes, mimicking their manner, and running on furiously, as he said they used to pray." The ermined buffoon extorted a smile from the nonconformists themselves. Pollexfen, the leading counsel for the defence, gave into the humour, and attempted to gain attention for his argument by a jest. "My Lord," he said, "some will think it a hard measure to stop these men's mouths, and not to let them speak through their noses." "Pollexfen," said Jeffreys, "I know you well. You are the patron of the faction; this is an old rogue who has poisoned the world, with his Kidderminster doctrine. He encouraged all the women to bring their bodkins and thimbles, to carry on the war against their King, of ever blessed memory. An old schismatical knave — a hypocritical villain." "My Lord," replied the counsel, "Mr. Baxter's loyal and peaceable spirit, King Charles would have rewarded with a bishopric, when he came in, if he would have conformed." "Ay," said the judge, "we know that; but what ailed the old blockhead, the unthankful villain, that he would not conform? Is he wiser or better than other men? He hath been, ever since, the spring of the faction. I am sure he hath poisoned the world with his linsey-woolsey doctrine, a conceited — stubborn, fanatical dog." After one counsel, and another, had been overborne by the fury of Jeffreys, Baxter himself took up the argument. "My Lord," he said, "I have been so moderate with respect to the Church of England, that I have incurred the censure of many of the Dissenters on that account." "Baxter for Bishops," exclaimed the judge, "is a merry conceit indeed. Turn to it, turn to it!" On this one of the counsel turned to a passage in the libel, which stated, that "great respect is due to those truly called bishops amongst us." "Ay," said Jeffreys,

[1] From James Stephen, *Critical and Miscellaneous Essays* (Carey and Hart, Philadelphia, 1843), pp. 173–175.

"this is your Presbyterian cant, *truly* called to be bishops; that is of himself and such rascals, called the bishops of Kidderminster, and other such places. The bishops set apart by such factious — snivelling Presbyterians as himself; a Kidderminster bishop he means, according to the saying of a late learned author, every parish shall maintain a tythe-pig metropolitan." Baxter offering to speak again, Jeffreys exploded in the following apostrophe. "Richard! Richard! dost thou think here to poison the court? Richard, thou art an old fellow — an old knave; thou hast written books enough to load a cart, every one as full of sedition, I might say treason, as an egg is full of meat. Hadst thou been whipped out of the writing trade forty years ago, it had been happy. I know that thou hast a mighty party, and I see a great many of the brotherhood in corners, waiting to see what will become of their mighty don, and a doctor of your party at your elbow; but I will crush you all. Come, what do you say for yourself, you old knave — come speak up, what doth he say? I am not afraid of him, or of all the snivelling calves you have got about you," — alluding to some persons who were in tears at this scene. "Your Lordship need not," said Baxter, "for I'll not hurt you. But these things will surely be understood one day; what fools one sort of Protestants are made, to prosecute the other." Then lifting up his eyes to Heaven, he said, "I am not concerned to answer such stuff, but am ready to produce my writings, in confutation of all this; and my life and conversation are known to many in this nation."

The jury returned a verdict of guilty, and but for the resistance of the other judges, Jeffreys would have added whipping through the city to the sentence of imprisonment. It was to continue until the prisoner should have paid five hundred marks. Baxter was at that time in his 70th year. A childless widower, groaning under the agonies of bodily pain, and reduced by former persecutions to sell all that he possessed; he entered the King's Bench prison in utter poverty, and remained there for nearly two years, hopeless of any other abode on earth.

Intrigue — The Spy System. We have now covered cases and methods of control by manipulation in personal relations, political parties, international affairs, business, investigatory bodies, and in the courts. The cases to follow, which will deal with intrigue as a control device, will be found to show many similarities to cases in manipulation. In fact, manipulation and intrigue frequently overlap. Intrigue may be regarded as a form of preliminary manipulation which sets the stage for the final manipulation that completes the control process. Naturally, intrigue is not always succeeded by a complete manipulation of the situation as prepared by intrigue. We take, as is indeed fitting, as our first illustration of this type of social control some cases illustrative of the use of spies for the purpose of setting the stage for further manipulation. The usual function of spies is to "get the goods" on the victim or culprit and thus put him at the mercy of the manipulators, political or otherwise. This is a large field of social control, which may be utilized for protective as well as for exploitive purposes. In the case that follows both motives appear to be evident.[1]

[1] From C. Â. Court Reppington, "The Old Diplomacy," *Nineteenth Century*, XC : 261 (Feb., 1923).

Walsingham must be regarded as the father of English secret service. Before long he had covered Europe with his agents, and it was thanks to his efficient system that the most serious plots against the Queen were unravelled, the plotters seized and executed, and Mary Stuart finally condemned to death. The usual method was to insert an agent into circles whence danger was apprehended, to discover what was in the wind, to seize, steal, or buy the letters passing, to open them, copy them, and decipher them, and then to close them up so that no sign of tampering could be seen. There were experts in all these branches, and no cipher was safe. When all was in readiness, the blow fell and all the plotters were arrested. The culprit — and occasionally an ambassador — was dumbfounded by being confronted with his own letters and translations of his ciphers, and for minor culprits the rack or promises of rewards filled up the gaps of evidence in the case. The occasion on which a Spanish ambassador was shown up, commanded to attend the Council, and solemnly dismissed must have caused a great sensation at the time. But there were occasions — and Mary Stuart's case is the most glaring — in which the procedure was wholly indefensible, and it is probable that a modern Court of Justice would not have condemned her.

Illustrations from the East. Recent publicity of espionage trials in the United States and in European countries shows that the same methods as those indicated above are still prevalent, and perhaps even have been intensified. But the second of the two cases of intrigue contained in the excerpt copied below will show the method as operated by a high government official (Ali Pasha) in Turkey against the intrigues of the British government early in the nineteenth century. The student may find the attitude of Dr. Holland in not allowing himself to become acquainted with the intrigues of his own government interesting. The first case contained in the same selection represents a form of intrigue involving violence that was formerly quite common in all countries, but which has yielded noticeably to the amenities of propaganda in this literate age. The two cases follow.[1]

On two occasions, indeed, I was exposed to a sudden burst of anger, speedily smothered by the consummate cunning of the man. A conversation on poisons designedly but warily brought on, ended by his asking me whether I knew of any poison which, put on the mouthpiece of a pipe, or given in coffee, might slowly and silently kill, leaving no note behind. The instant and short answer I gave that, "as a physician I had studied how to save life, not to destroy it," was probably, as I judged from his face, faithfully translated to him. He quitted the subject abruptly, and never afterwards reverted to it.

The other occasion was one that curiously showed the activity and astuteness of his government. He one day sent for me to his palace, and after that more than wonted prelude of affection which was one of his arts, put into my hands an English written paper, which he entreated me to translate to him, his English interpreter being then absent from Janina. Casting my eye over the first few lines, and then looking at the signature, I saw that it was a dispatch from Sir R. Liston, our Ambassador at Constantinople, to Lord Castlereagh — probably connected with

[1] Sir Henry Holland, *Recollections of Past Life* (D. Appleton & Co., New York, 1872), pp. 101–103.

those important relations to the Porte at this particular time, in which Ali Pasha had a direct interest of his own. Putting the dispatch at once aside, I stated through the Dragoman who stood awaiting my Italian translation of it, that this was a paper I ought neither to read myself nor translate to others. My refusal seemingly amazed the Dragoman as well as his master; and under a somewhat vehement dictation of the Pasha, I was again pressed to assent. My persistent refusal evidently angered him much, and my visit came abruptly to an end. But the next day he received me with his wonted show of cordiality, and without any reference to what had passed between us. Mr. Foresti, our minister, was not at Janina at this time; but I learnt from him afterwards some curious particulars as to the manner in which, by connivance with couriers, despatches (not English alone) were frequently intercepted, examined, and then resealed and forwarded to their destination.

Work of the Labor Spies. The control work of the secret police described above aims largely at repression and might have been treated under that heading in the following chapter, but it also properly belongs here as a form of manipulation. Another example of this type of secret manipulation may be presented at this point to good advantage. The labor spy, who also usually is a strikebreaker or cooperates with strikebreakers, is not a new phenomenon in the social control situation. Consequently, the manipulation in such spy cases is primarily provocative. Robert Hunter, in his *Violence and the Labor Movement*, gave a very full exposition of the methods used by this control instrumentality as long ago as 1914. But the book seems not to have been much read, perhaps because the author was known to be a socialist, a fact calculated in some degree to discredit his findings with the general public. The investigations and revelations of the La Follette senatorial committee in 1937 therefore came as a distinct shock to a large portion of the public. The *Christian Century* somewhat indignantly comments upon the facts revealed by this investigation as follows.[1]

It is unfortunate that the sensational succession of recent events abroad and at home has obscured the importance of the investigation being conducted by Senator La Follette's committee on labor espionage. As the sorry procession of witnesses passes through the investigation chamber at Washington, there is being unfolded the most shameless record of duplicity, terrorism, the deliberate provocation of violence, lying and general all-round chicanery in the industrial history of the United States.

Up to the present, it has been shown that more than a hundred of the largest and hitherto most respected corporations in the country have spent huge sums to retain the services of about two dozen spying firms. And the sort of services rendered by those firms, as disclosed by the testimony of their own officers, has plumbed the depths of corruption and false dealing.

One division in the ranks of the witnesses who have appeared before Senator La Follette and his colleagues has been noticeable. When the officers of the spying organizations have been on the stand, they have usually proved quite unashamed

[1] As reproduced in the St. Louis *Post-Dispatch*, March 15, 1937.

of the record brought to light. But when the officers of the great business firms who have paid for these shady operations have been under examination, almost without exception they have deplored resort to such practices, but have claimed that legal and moral niceties could not be observed in the presence of industrial necessity. Yet many of these are the same men who have been publicly most outraged by labor's lack of legal and moral scruple in resorting to sit-down strikes!

Incidentally, the committee has discovered that in the 18 months which ended July 31, 1936, General Motors and its subsidiaries paid $839,764 to 21 of these trouble-fomenting spy agencies. General Motors declares that it washed its hands of the whole miserable business on Jan. 31 of the present year — after the La Follette investigation was well under way.

Intrigue the Art of Kings. We have already seen how intrigue is employed by governments that wish to remain in power or be independent. Intrigue occurs everywhere — in religious, economic, domestic, educational, as well as political situations — but it is supposed to be especially prevalent in the courts of kings, where so much depends on royal favor and much favoritism is practiced. In the case that follows the intrigue is primarily personal and only secondarily political. In fact, there is here a double intrigue — one planned by a high court official and the other carried on between the queen and her lovers.[1]

Florida Blanca had instigated a prosecution for a libel against a certain Marquis of Mancas, employed formerly as Spanish envoy at Copenhagen. In his eagerness to procure a sentence against him, he had the imprudence to dictate it in a letter to the President or acting President of the Council of Castile, whom he knew to be subservient to his designs. While the courier was on his way from the Escurial to Madrid, the President died of apoplexy. The letter being directed to the title of office, not to the name of the individual, was delivered to and opened by the next in succession, to whom the duty of presiding in the court had devolved. He happened to be either an upright magistrate, or a man devoted to the party already formed against the prime minister. He accordingly dispatched a copy of the letter to the King, who, justly incensed at so indecent an interference with the course of justice, and urged no doubt by the Queen, overcame all scruples of breaking his promise to his father, and first removed and then banished and imprisoned the premier. The motives of the Queen were not so pure as those professed by her party, and really acted upon by her husband. Her amorous constitution had been well known to the old king. It could be no secret to his Minister. Charles III used to smile at the simplicity of his son, who is said frequently to have remarked to him that princes were exempt from the lot to which too many husbands were exposed; first, because their wives were more strictly educated than private women; and, secondly, because, if viciously inclined, they could seldom find any royal personages with whom they could indulge such evil propensities. To such remarks the old man would suddenly but archly reply by bantering the prince on his simplicity, or by muttering a favorite maxim of his own ("Charles, Charles, what an idiot you are; all, yes all, are strumpets!"), by no means complimentary to the chastity of the fair sex. Among the lovers of the Princess of the Asturias, whom

[1] Henry Richard, Lord Holland, *Foreign Reminiscences* (Harper and Bros., New York, 1851), pp. 55–57.

Charles III had from time to time removed from the court, was a young Garde du Corps of the name of Godoy, a native of Badajoz. His younger brother, Don Manuel, was in the same service, and undertook to convey the love letters of his exiled brother to his royal mistress. But her passion was not of a character to be long satisfied with expressions of tenderness from an absent lover. Don Manuel perhaps thought that he should promote the interests of his brother, as he unquestionably did his own, more effectually by imitating his example than obeying his injunctions. In short, he supplanted him in the affections of his mistress, and at the accession of her husband to the throne was known at court to be her established lover. Count Florida Blanca had too much sagacity not to discover the character of the young favorite. He perceived, with much chagrin, that mere honors and distinctions would not satisfy him, that he aimed at a share at least of political power. But the old minister was too jealous to yield even to the obvious policy of admitting any partner in that concern. He had such plausible grounds in the extreme ignorance as well as inferior rank of his youthful candidate for office, that he could not but succeed for a time in excluding him from a seat in Council. The ruin, therefore, of Florida Blanca became necessary to the advancement of Godoy. Hence the eagerness of the Queen to accumulate charges against him, and to lay the catalogue of his offenses before the eyes of the King. She did not, however, venture to elevate Godoy at once to the highest situation in the state.

Political Intrigue with a Plot. Intrigues are very frequent in political life. Some of them, like the cases described above, are serious and have far reaching consequences. Others, like the following case, are relatively petty and amusing. Sometimes they arise out of the desire of one person or faction to secure the public preferment of another person or faction. The following case, reported in the "Daily Washington Merry-Go-Round," may or may not be based on facts, but it illustrates so well the pattern of such minor intrigues that it is reproduced here.[1]

Out in Idaho the grandiloquent Senator William Edgar Borah is the center of some sub-rosa political intrigue. Several of his political enemies are out to get his scalp when he comes up for re-election in 1936. Chief conspirators are: James P. Pope, Democratic Senator from Idaho — pompous and earnest. D. Worth Clark, Democratic Congressman from Idaho — young, able and ambitious. C. Ben Ross, two-term Democratic Governor of Idaho, now aspiring to the Senate.

The plan is for all three of the above to unite in putting Gov. Ross in Senator Borah's place. The trio has the announced help of Jim Farley, and there is no secret about the plot. One other part of the plot, however, is a deep secret. Ross and Clark are the only ones in on it. After they have secured the help of Senator Pope in polishing off Borah, they, in turn, are expected to polish off Pope when he comes up for re-election in 1939. Ross is to back Clark to replace Pope.

NOTE: Borah thinks it is a great joke.

How to Kill off an Opponent. In fact, this story may have been only a clever bit of pre-election political propaganda, promoted by Borah and intended to turn Pope against Ross and Clark. But the case that

[1] From the St. Louis *Post-Dispatch*, April 15, 1935.

follows represents history, even if it does involve some propaganda. It also illustrates a variant type of political intrigue, in which outside interests attempted to get rid of a defender of public interests who stood in the way of their designs.[1]

LaFollette's welcome to the Senate was in a way similar to that which would be given an Orangeman at an Irish picnic on St. Patrick's day. To the defenders of corruption his advent was like the appearance of a red rag in a cow pasture. They determined to sew him up. To their way of thinking he was dangerous. . . . Laws are not made upon the floor, but in committee. To bury a Senator all that is necessary is to place him upon unimportant committees.

The wise defenders of privilege thought this had been done to Senator LaFollette when he was placed upon the Committee on Potomac Flats — a committee that has nothing on earth to do, and which, the powers, permitting, will report on Doomsday. So far the men of privilege showed wisdom. But it was not until later that they realized their sinfulness. Their judgment told them that the Committee on Indian Affairs was too unimportant to be considered, so Senator LaFollette was placed on that also.

Some one had blundered. Some one had forgotten that in his congressional days he had been a defender of the Indians, and that he it was who had placed the tie on the track which derailed the plan of the Lumber Trust to steal millions from the Menominee tribe.

Came a day when LaFollette discovered that the Coal Trust was after the Indian coal lands and that the Oil Trust was after the oil lands. Then the privileged persons awakened. They had to awaken. With LaFollette shooting grape and canister into the plan to rob the Indians there was no sleeping for the unjust. The Indian steal was killed. After that, instead of trying to give him so little to do as to allow him time for what they considered mischief, they gave him enough work to keep him and a room full of secretaries busy.

With his lynx eyes boring into every plan presented, LaFollette made life uneasy for the malefactors. They tried to launch floods of newspaper ridicule upon him. They tried their most vitriolic oratory upon him. They visited him and his family with social ostracism. They dogged him with spies. But all they discovered was that the man ate but little more than bread and milk — on account of a stomach ruined in those strenuous student days of poverty time — and that his honesty was even suspicion-proof.

Turning the Tables by Intrigue. Another case, copied from the "Daily Washington Merry-Go-Round," illustrates the use of intrigue to defeat the political program of an opposing faction and to substitute the program of the intriguing faction. Of course, such procedures are not strictly fair and above-board, and sometimes they carry serious social consequences; but they are frequently employed in the political and in the business fields. Wherefore the presentation of the illustrative case.[2]

[1] From Thomas Dreier, *Heroes of Insurgency* (Human Life Publishing Co., Boston, 1930), pp. 26–29.

[2] From the St. Louis *Post-Dispatch*, February 26, 1935.

Mark up a complete rout for the Senate's would-be probers of the NRA. The Administration retired them with "no hits, no runs, no errors." The shutout is the slickest job of parliamentary strong-arming to the credit of the White House in this session of Congress.

When the move for the investigation was first launched it looked like a sure winner. To begin with it was a double-barreled attack. One resolution, offered jointly by North Dakota's Republican "Jerry" Nye and Nevada's Democratic Pat McCarran, called for an inquiry by the Senate Commerce Committee. Head of this body is New York's carnation-wearing Royal S. Copeland, cool toward the administration and cooler towards the NRA. He was all set for a thorough probe. The second resolution was sponsored by Utah's Old Guard Democratic William King and provided for a probe by the Judiciary Committee of which King and Bill Borah, a bitter NRA foe, are members.

The White House faced the fact that either committee was "bad news." If either resolution reached the Senate floor it was certain of passage. So the administration undertook to stall the resolutions in committee. This trick was performed by having the Nye-Curran resolution referred to the Finance Committee — safely pro-administration and headed by Mississippi's loyal White House order-taker, Pat Harrison. Under Pat's deft manipulations the resolution underwent a vital change. He wrote in a proviso that the investigation be undertaken by his committee.

This means, in effect, there will be no investigation. The committee will hold hearings, but under Pat's tutelage it will hardly scratch the surface.

Defeating the Will of the People. A much more serious type of intrigue is that in which special interest groups set out deliberately to defeat the electoral will of the people through legislative or other channels. The type of case described in the following selection has been repeated many times in this country and in others that have the privilege of popular suffrage.[1] But, unfortunately, rarely is there such a swift and just reaction of popular resentment and punishment of the perverters of the popular will as took place in this instance.

Mr. Payne's election by the Legislature was a thunder-clap to the people of Ohio. They did not know he was a candidate. Who was to be United States Senator was of course one of the issues in the election of the Ohio Legislature of 1884, and the Democratic voters who elected the majority of that Legislature had sent them to the State Capitol to make George H. Pendleton or Durbin Ward senator. One of the leading newspaper men of the State testified: "I went over the entire State during the campaign. . . . Out of the eighty-eight counties I attended fifty-four Democratic conventions and wrote them up, giving the sentiment of the people as nearly as I could, and during that entire canvass I never heard a candidate for the Legislature say that he was for Henry B. Payne for United States Senator; but every man I ever talked with was for either George H. Pendleton or General Ward. I think out of the Democratic candidates throughout the State I conversed with at least two-thirds of them." As was afterwards stated before the Senate of the United States by the representatives of the people of Ohio, "He was in no wise publicly connected with the canvass for the Senate, nor had the most active,

[1] From Henry Demarest Lloyd, *Wealth Against Commonwealth* (Harper and Bros., New York, 1894), pp. 374–375.

honorable, and best-posted politicians in the State heard his name in connection with the senatorial office until subsequent to the October election (of the Legislature). He was absolutely without following."

The Democratic constituencies sent their legislators to vote for Pendleton and Ward, but between the receipt and the execution of this trust from the people a secret charm was put to work of such a potency that the people woke up to find that the representative who had betrayed them in Congress in 1876 was their senator, instead of one of their real leaders. The people had been digging oil wells for twenty years that all the value might flow into the bank accounts of a few interceptors; they had been building railroads and pipe lines that their business and property might be transported into the same hands; they had organized agitation and conducted a national anti-monopoly campaign all over the country, only to see the men who were to have been investigated take command of the inquiry. The people had had enough such experience not to be surprised that when they started to make a beloved leader senator it was their enemy who came out of the voting mill with the senatorial toga upon his shoulders. But terrible was the moral storm that broke forth out of the hearts of the people of Ohio. The votes they had thrown, like roses to garland the head of a hero, had been transformed as they went, by a black magic, into missiles of destruction, and had fallen upon him like the stones that slew Stephen.

The press, without regard to party, gave voice to the popular wrath. Scores of the Democratic newspapers of Ohio went into mourning. One of them said: "The whole Democratic Legislature was made rotten by the money that was used to buy and sell the members like so many sheep." Many representative Democrats of the State privately and publicly declared their belief in the charges of corruption. Allen G. Thurman, who had been a senator and representative at Washington, said: "There is something that shocks me in the idea of crushing men like Pendleton and Ward, who have devoted the best portion of their lives to the maintenance of Democracy, by a combination against them of personal hatred and overgrown wealth. . . . I want to see all the Democrats have a fair chance according to their merits, and do not want to see a political cutthroat bossism inaugurated for the benefit of a close party corporation or syndicate." Again he said: "Syndicates purchase the people's agents, and honest men stand aghast."

The implication of this passage is, of course, that members of the state legislature were "induced" to elect to the senate a man whom the great majority of voters did not favor. The whole story of the intrigue is told by Mr. Lloyd in the pages that follow the paragraphs which we have quoted, and it is well worth reading as a source of further information regarding the methods used in this type of intrigue.

International Intrigue. One example from many cases illustrating international politico-economic intrigues may be presented. Diplomatic history and imperialistic policy are made up very largely of similar intrigues. But one case will suffice to illustrate the general method by which national policies and international relationships are predominantly shaped in the European area, where various imperialistic designs constantly conflict and motivate the several states to competitive action. It seems impossible to free modern political society on its international side from such jealousies and antagonisms as those here de-

scribed. The hunger for more territory to make room for increasing population and an expanding industry and commerce, which in turn demand more territory to take care of further increases in population, industry, and trade, and so on in an endless circle, is one of the chief causes of the difficulty. It would seem that the nations have not yet evolved out of the semi-savage era of conquest which involves imperialistic conquest and subjugation and turned their attention to the development of civilization by means of a system of intensive cultivation of their cultural resources. "Multiply and possess the earth," is still their motto; and international intrigue is consequently their tactical procedure, as the following case shows.[1]

By 1907 the Stolypin reaction enabled Russia to look abroad once more, and her gaze now fixed itself upon the Balkans and the Near East. She found the ground well prepared. In June, 1903, a dynastic revolution in Serbia had replaced the Austrophile King Alexander by the Russophile Peter Karageorgevitch, and the Serbians, a people small in numbers but with great ambitions, offered themselves as willing allies in any Russian "forward" policy toward the West. The Austrian imperialists saw what was coming, and their annexation of Bosnia-Herzegovina in 1908 dashed Serb ambitions and defied Russian Pan-Slavism at one and the same time. Russia, still weak from her recent misfortunes, swallowed her wrath but vowed vengeance. From that moment the great Austro-Russian duel was on, both parties openly preparing for war and seeking to undermine the other's position by every means in their power. The most unscrupulous methods were used, especially as regards rival propagandas among disaffected domestic elements.

And the Austrian propaganda found within the Russian borders much fertile soil. The rising tide of Muscovite imperialism had caused a rapid growth of "Nationalist" sentiment among the "Great Russians." The Great Russians, who form the real racial cement of the Russian Empire, number only seventy millions of the empire's one hundred and seventy million inhabitants. Before the Revolution, when the yoke of autocracy pressed equally upon all, many Great Russians had made common cause with the non-Muscovite nationalities, and these latter had expected from the Revolution a decentralized federalism which should ensure them local autonomy and cultural life. But the Great Russians, now admitted through the Duma to a share in directing the empire's destinies, promptly became Nationalists and took up the old bureaucratic program of "Russifying" the minor nationalities. Furious at this disappointment of their dearest hopes, the minor nationalities fell into sullen disaffection. The thirty million "Little Russians" of the Ukraine, in particular, lent a willing ear to Austrian promptings to sedition and separatism.

But this merely increased the anger of the Russian imperialists, who sharpened their Russification program and pressed their military preparations. And these preparations were directed against Germany as well as against Austria-Hungary. In 1908 Germany had shown her determination to back her Austrian ally to the last, and she was now openly rejuvenating Turkey, the ultimate prey of Muscovite Western imperialism. This provoked the bitterest anti-German feeling in Russia, and the years preceding the European War witnessed a Russo-German press

[1] From T. Lothrop Stoddard, *Present-Day Europe* (The Century Co., New York, 1917), pp. 182–184.

campaign of truly extraordinary virulence. As the Russian publicist, Paul Mitrofanov warned the Germans in June, 1914, "The road to Constantinople now goes through Berlin. Vienna has become a secondary factor." The Russian Government was preparing feverishly for any eventuality. The Duma voted huge army increases in 1913 and a network of new strategic railways was begun all along the German border. Russia was to be fully prepared by 1916.

Western imperialism, under the masterful headship of the Grand Duke Nicholas Nicholaievitch, thus dominated the councils of the empire, and even Intelligentsia leaders like Peter Struve and Paul Miliukov were going with the tide.

Deception — A Negative Case. Our examples of intrigue have been confined mainly to the politico-economic field, but this technique of control is very common in personal relations, in the competitive aspects of social life, and especially in business and war, as well as in "politics," more specifically speaking. Indeed, we have already presented many cases of exploitive business practice which illustrate the principles of intrigue along with those of manipulation.

Closely allied to intrigue and manipulation, and frequently if not always, contributing to them, is the use of deception. It is indeed doubtful if intrigue could be carried on without the employment of deception in some form or other. In the following case it takes a negative form. Here it is what is not said, rather than what is, that is intended to create the favorable impression. The Countess is advising her nephew how to have a successful career in the church even though he should not believe or practice its doctrines or precepts. She says: [1]

"The count, who knows the present condition of Italy thoroughly, has given me a hint for you. Believe whatever is taught you or not, as you choose, *but never express any objection.* Tell yourself you are being taught the rules of whist; would you make any demur about the rules of whist? I told the count you were a believer, and he was very glad of it; it is useful both in this world and in the next. But do not, because you believe, fall into the vulgarity of speaking with horror of Voltaire, Diderot, Raynal, and all the other wild Frenchmen who were the precursors of the two Chambers. Those names should hardly ever be pronounced by you. But if the necessity should arise, you must refer to them with the calmest irony, as people whose theories have long since been rejected, and whose attacks are no longer of the slightest consequence. Accept everything you are told at the academy with the blindest faith. Recollect that there are individuals within its walls who will take faithful note of your most trifling objections. A little love affair, if judiciously managed, will be forgiven you, but a doubt, never! Advancing years suppress the tendency to love-making and increase that toward doubt. When you go to confession act on this principle. You will have a letter of recommendation to the bishop who acts as factotum to the Cardinal Archbishop of Naples. To him alone you will confess your escapade in France, and your presence near Waterloo on the 18th of June. And even so, shorten the matter, make little of the adventure; only confess it so that nobody may be able to reproach you with having concealed it — you were so young when it happened. The second hint which the count sends you

[1] From Stendhal, *The Chartreuse of Parma*, Chapter VI.

is this: If a brilliant argument occurs to you, or a crushing reply which would change the course of a conversation, do not yield to the temptation to shine; keep silence. Clever people will read your intelligence in your eyes. It will be time enough for you to be witty when you are a bishop."

Fabrizio began life at Naples with a quiet-looking carriage and four faithful Milanese servants, sent him by his aunt. After a year's study, no one called him a clever man; he rather bore the reputation of being an aristocrat, studious, very generous, and something of a libertine.

Doctoring a Committee Report. The following case is another one of omission, although there may have been no intentional deception. As to this, it is not easy to say, and the reader can draw his own conclusions. However that may be, the omission might have been more effective than a direct denial in preventing unfavorable committee action, if it had not been detected. There is also a positive side to this case, since official documents were being actively furnished a policy making committee. The case is taken from Pearson and Allen's "Daily Washington Merry-Go-Round." [1]

Members of the Senate Finance Committee, now investigating the NRA, have decided that hereafter they will demand original copies of NRA reports. Reason: Senators have discovered that under the Blue Eagle there are reports — and reports.

On the opening day of the probe, "Assistant President" Don Richberg was asked to furnish the committee with copies of the NRA Research and Planning Division report. This is the document which, among other things, declared:

That while payrolls in December, 1934, were only about 60 per cent of the total in 1926, dividends and interest were 150 per cent of their total in 1926; that code fixed minimum wages showed a marked tendency to become maximum; that 40 per cent of the workers employed under codes are working more than 40 hours a week; that the big industries in general were allowed to fix the lowest minimum pay scales and that the NRA is costing the country $55,000,000 a year to operate.

The next morning bound copies of the report were handed each Senator. But when several of them began poring over the document they found it consisted almost entirely of bewildering charts, graphs and tabulations. All the damning textual matter mentioned above was mysteriously missing.

Challenged on the deletions by Alabama's Senator Hugo Black, Richberg insisted that the submitted copies were not different from the original.

"We just left out some of the discursive language," he said.

"I should say you did," shot back Black. "That 'discursive' language is exactly what we want to see. Please see that we get it."

Richberg promised to get him an original copy — if one was available.

Japanese Trade Tactics. Another case, selected from the "Letters from the People" column, illustrates positive and intentional deception, and of a rather crude type. This case is by no means out of keeping with the reputation of the orient for trickery in trade.[2]

[1] From the St. Louis *Post-Dispatch*, March 15, 1935.
[2] *Ibid.*, January 14, 1935.

The following information, which I find in the English-language December, 1934, issue of the Oversea Post, one of the outstanding German export magazines, published in Leipzig, Germany, may be of interest to you and your readers:

The "Basler Nachrichten," of Basle, Switzerland, published an article dealing with Japanese methods of competition. This well-known Swiss paper criticised the action of the Government of the Mikado, as far as its economic policy is concerned, in the strongest terms, and went on to state:

"The methods of our Japanese competitors, which more than once have been peculiar, have now assumed forms far in advance of anything attempted before, which are nothing less than a flat contradiction of all commercial equity. Not long ago, an important center for the match industry in Japan was renamed 'Sweden' so that its matches could be dumped on the world as 'Made in Sweden.' The result of this trick has apparently been so successful that a further development in this direction may be expected. Two other towns have recently been re-christened 'Sheffield' and 'Solingen.' It goes without saying that it is no more than a mere bagatelle to offer oriental razors under the clever camouflage of 'Made in Sheffield' or 'Made in Solingen.'"

A "War to End War" and "To Make the World Safe for Democracy." All is said to be fair in love and war. We shall not illustrate the use of deception in love, but instead present two cases showing the employment of deception in behalf of war and the promotion of war. The first selection carries a number of examples of the employment of deception in order to bring the United States into the great war of 1914–1918 and to win the support of the people for it.[1]

The deception practiced by some of the countries during the Great War, when inveigling other powers into alliance with them, was extraordinary. Very soon after America entered the conflict, admissions were made as to the deceptions practiced upon her in connection therewith. Few Americans to this day admit they were bamboozled at that time. The United Press staff correspondent, Webb Miller, under date of May 25, 1917, soon after America declared war, from Washington, D. C., sent out a dispatch as follows:

"Russia is out of the war as far as military power is concerned, for at least two years; France is about at the end of her man power. These are the cold facts about the war situation as seen today by military men who are in a position to know conditions by reason of intimate knowledge of American observers' reports.

"The west front struggle, the experts say, has been misinterpreted and unreliably reported either through the allies' unwillingness to let real facts be known or to ignorance of the exact affairs on the part of American newspapers. These men declare that for many months the American people have been led astray as to the real situation. The allies, they declare, are not making the headway that the country has been led to believe they are. . . .

"There has been much talk of the nation's apathy. That this will be overcome when blood begins to spill is the main hope of military men, who say frankly that the country's interest, up to the present, has been insufficient, as shown graphically by recruiting figures, slowness to subscribe to Liberty bonds, and other signs. The selective service system will get the men, but the spirit must be aroused, the experts hold."

[1] Adapted from William C. Allen, *War! Behind the Smoke Screen* (The John C. Winston Co., Philadelphia, 1929), pp. 45–48.

Here was the truth in a nutshell. First the activities connected with securing America as an ally, next the hope that when blood once commenced to spill, the war excitement would be aroused, so that the public dislike of entering the war as indicated by failure to subscribe to Liberty bonds and other signs would cease. Next, the selective draft system would secure the men as the Government demanded. This witness told the truth; but we may recall that men who honestly told facts were thereafter silenced soon and threatened with espionage, abuse, and prison.

Since the war, I have been told from honest and reliable sources that sometimes ammunition dumps were placed close by hospitals so that the hospital flags would protect them from airplane raids. As a consequence, when enemy airmen bombed the dumps they at times struck the hospitals. From such situations were amplified statements that enemies were, contrary to the "laws of war," attacking hospitals. No doubt if we knew the other side of the story, the other combatants were no better. What about the *Lusitania?* What about sneaking up to big ships and drowning people like so many rats? What about tunnelling under your enemies and blowing them to atoms? What about the deceptions of spying?

During my trip around the world in 1922–23, I addressed many church bodies. Everywhere I discovered an ignorance, based on inaccurate or garbled so-called international "news" in some, not all, of the newspapers. Anything that could be distorted or twisted so as to make my own or other countries appear to be greedy, foolish, or unjust, was often published with that end in view. By playing on the prejudices of the people, some newspapers posed as the loyal defenders of their own countries, and that suited their readers. So the message of deceit was spread.

A widely known minister told me of some of his trying experiences during the Great War because he could not engage in reviling his enemies from the pulpit. Once he preached on "Reprisals" to a congregation referring to the fact known among all intelligent people at that time that savage reprisals were practiced by all the combatants in Europe. After the service, one of his elders entered the vestry and with passionate countenance exclaimed, "If I had been two pews nearer I would have thrown my Bible at you!"

I have been told by ministers of the gospel, in different countries, that they had been deceived by the propaganda associated with the Great War. They since have confessed that they were misled when preaching to their people about "the glory of the sacrifice," and urging their young men into a conflict which, they had since learned, had its deep-seated root in the greed and pride of men — the antithesis of the gospel they profess. Not a few of these ministers have subsequently admitted that many of their young men had been spiritually starved out of the churches and, since the exercise of a war-preaching ministry, have had no church home.

Self-deception about war among church people is probably the cruelest deceit of all.

The International "Sporting Arms" Trade. The second case is that of deception regarding war materials, under the deceptive title of "sporting arms and equipment" sold to foreign governments from which they were banned, in pursuance of the profit motive. While this particular case may be somewhat distinctive, it is part of a general system of deception which is rife in the whole war-making situation.[1]

[1] From the St. Louis *Post-Dispatch*, December 7, 1934.

One of the revelations of the investigation into the munitions industry by a Senate committee is that arms and munitions for hunting purposes have been shipped for years into the European nations disarmed by the Versailles Treaty.

It is not to condone the Versailles Treaty to say that it is as powerless against the great international arms and munitions industry as civilization itself has been. They have all been doing it, the Americans, the British, the French, the Germans. The Americans have shipped sporting ammunition to, have built and armed airplanes for, the Germans. So have the British. The French have made sporting arms for the Germans. The Germans have made sporting arms and munitions for the Turks. The German rifles shipped to Turkey have been sporting rifles. The sportsmen of Turkey are the soldiers of Turkey.

The munitions industry insists that a distinction should be made between military and sporting arms and munitions. There was evidence before the Senate Committee this week that Mr. Hoover, when Secretary of Commerce, had accepted such a distinction for the benefit of American arms and munition makers.

The powder people never confuse sporting powders with war explosives. They never get sporting powders and war explosives mixed up the way we do. They never say anything about the deadly effectiveness of the squirrel hunters of Tennessee and Kentucky in our own battle of New Orleans. History tells us that the shooting there was about as devastating as anything ever known. The riflemen of Jackson dropped some 2000 of Pakenham's infantrymen in the brief space of 20 minutes, but they were not really armed in the sense implied by the distinction made with respect to Central Europe. They merely had sporting rifles, powder and ball, the same with which they barked squirrels in the hills. It was all they needed, and every schoolboy knows that Jackson, bobbing up and down behind his bale of cotton, exhorted them to keep their sporting powder dry.

The British have been a little chary about joining us in this investigation. They are doing a little better now. The British will get in with us in the end. They are among the great makers of arms and munitions. To equip men everywhere with the means for their own destruction, and to give civilization a gun with which to blow its brains out, has not been too much for British industry. It has not been too much for us. Not too much for the war-battered French. Not too much for the bedeviled and beaten Germans. So goes the mad world, and such are its sophistries.

We suggest that the thing be gone into thoroughly all over the world. There is not a student of international politics who does not believe that one more great war will precipitate something approximating the Dark Ages. This being true, and terribly true, would it not be a good idea for civilization to come out of the hunting blind?

Deception through Rumor. For a final illustration of the use of deception as a social control we return to the political field. In the attempt to break up a rival political organization and render its program abortive as described below we find a very considerable use of rumor. Rumor is like wild fire, feeding upon the fears and wishful thinking of the people upon whom it is turned loose. Rumor is not always wilful deception, but it is practically always misleading. Characters can be blasted and even history changed by skilfully manipulated rumors. The case referred to follows.[1]

[1] Adapted from Charles Edward Russell, *The Story of the Non-Partisan League* (Harper and Bros., New York, 1920), pp. 217–218, 301–302.

The League, from the moment it revealed its strength, was fought with a relentless energy that often amazed the onlookers, and with a variety of skill and resource that in a long experience I have not known to be surpassed anywhere.

At this first state convention, for instance, no time was wasted by the opposition upon ancient and familiar tactics. No attempt was made to convince the farmer that all was really well with him, and he had no just cause of complaint. Instead, the assembly was swept with a succession of rumors cleverly designed to awaken alarm or to cause distrust of the League. The most of these related to the legal aspects of the case. Good lawyers were said to have declared that the League was wholly unlawful and its candidates could not be admitted to the official ballot. An action was about to be begun against Townley and others for obtaining money under false pretenses, since the organization was a manifest fraud. Newspapers declared that the League officers would be arrested in open session of the convention and their books and papers seized as the property of an illegal body. The League was a copartnership; hence all its members were responsible for all its debts. Farmers were warmly advised that as the League could never have any standing under the law, they had better leave the convention and cease to be fooled.

Great bundles of cunningly worded circulars conveying such news were sent up from Minneapolis by night and distributed among the delegates as they left the hall at noon; but when the League officers themselves pasted these circulars on the walls of the building and read them (with comments) to the reassembled convention, the effect of this particular stratagem seemed largely to be lost. . . . The League orators and writers said acidly that if it had gone in to play the gambling game instead of trying to upset it, the same members pictured as demi-devils would have been patted on the back and hailed as the best fellows that ever lived.

They said they could not even have the truth about themselves or their movement, nor about anything they said or did, told in the public press. No matter what action of the League was related, it was never mentioned truthfully, but always distorted that it might be covered with denunciation and ridicule. They said that if any person connected with the League was interviewed for publication the interview was invariably first distorted and then adorned with fabrications; if any meeting of the League was reported, the report was always untruthful and to the League's discredit. To get the League's cause fairly before the public it was, these officers said, driven to establish its own press.

Deception through Mistranslation. Favorite devices of those who wish to skew doctrine in their favor have long been to translate an authoritative document so as to change the meaning, to reinterpret a doctrine so as to create a "fiction" in their favor, or to interpolate favorable passages and omit others that are unfavorable to their cause. These methods have been employed many times in history in numerous connections, but perhaps never elsewhere as frequently as in connection with the Bible. The fundamental relation of the Bible to Christianity has given rise to a peculiar temptation in this direction in spite of the fact that the book of *Revelations* in the New Testament places a heavy curse upon anyone who dares to add anything to or to take anything from the sacred writings. Apparently in all ages there have been courageous (or foolhardy?) characters who have braved this curse.

One of the latest of these seems to be a Nazi Bishop, whose exploit is described in an Associated Press dispatch from Berlin as follows.[1]

The new Nazi version of St. John's Gospel, recently issued by Bishop Weidemann of the Evangelical Church of Bremen, describes Jesus as "the first great opponent of the Jews." It is a part of a project started by Nazis two years ago to retranslate the Bible. The Bishop is one of a group of Nazi theologians who hold Jesus was not a Jew, but a Galilean, whose homeland, Galilee, in their theory, was regarded contemptuously by the Jews.

Bishop Weidemann's work is considered in some church circles to be an interpretation rather than a translation of the St. John text. It represents a considerable abridgement except where St. John's anger against the Jews for their treatment of Jesus is emphasized to give it an anti-Semitic turn.

The new version characterizes Jesus as "the very opposite of Jews," and says that is why He was crucified.

The Bishop translates Judea as "Jew Land," saying, for instance, not that Jesus "left Judea and departed again into Galilee," but He "left Jew Land and went again into His homeland of Galilee."

The familiar "for God so loved the world, He gave His only begotten Son. . . ." is thus paraphrased: "Such is God's love that He gave His salvation, bringing His message to the world in this Chosen One, not to judge the world but to save it through Him."

Verses 31 and 32 of chapter VI are thus translated, eliminating Moses: "The Bible also reports bread fell from Heaven for our ancestors in the desert.

" Jesus replied: 'I tell you the truth. These old stories to which you always refer do not help you. My Father alone gives you true, Divine bread.'"

Chancellor Adolf Hitler has neither approved nor disapproved Bishop Weidemann's theology, committing himself only to a stand for "positive Christianity."

Diversion of Attention and Confusion of Issues. Closely connected with deception — in fact, a mild form of deception — is diversion of attention from one interest to another for the advantage of the diverter. This is a method of control very frequently resorted to. It is one of the stock devices used by conservative political parties in order to take the minds of the people off social problems with which the party leaders do not wish to deal. Thus it was charged by their opponents that the liquor interests and the leaders of the Democratic party connived in 1932 in raising the issue of "We want beer" and the repeal of the eighteenth amendment in order to divert popular attention from bread and unemployment. Individuals in tight places socially sometimes have the presence of mind to devise some other strong excitant or suggest some other powerful idea to their persecutors or prosecutors, with favorable results to themselves. Napoleon III was accused of seeking wars with foreign countries in order to divert attention from criticism of domestic affairs, and a similar explanation of the aggressive imperialistic policies of Hitler and Mussolini has been offered. In the

[1] From the St. Louis *Post-Dispatch*, Jan. 14, 1937.

case which follows the attempt at diversion failed of its full effect because of the bungling and self-interest methods used, but it was, nevertheless, a fairly well planned effort in this direction. The opening reference in the following quotation is to an organized propaganda called "The Better Farming Movement" intended to divert the attention of the farmers from their own reform movement.[1]

The fundamental idea of this movement was that the farmers themselves were at fault if their business was unprofitable, because they did not follow the best methods in their farming. Therefore the movement kindly set out to teach them these best methods. If only right methods could be introduced, all would be well in the Northwest. The funds for this grand work of education were raised originally by subscription from banks, great lumber firms, grain-houses, railroad companies, agricultural-implement makers, and mail-order concerns, but later the legislatures were induced to approve of the project and to indorse an arrangement by which one-third of the expense was to be borne by the state, one-third by the business enterprises I have referred to.

Under this arrangement instruction in farming was to be provided at gatherings and assemblies throughout the country. The Department of Agriculture of the United States gave to the benevolence at least a tacit indorsement by allowing "Better Farming" circulars to be sent through the mails under the department's frank. After a time the farmers complained that the meetings to which they went with open mouths and thirsting souls, eager for instruction, were used to advise them to ship their grain to the Chamber of Commerce and for little else, except as a good, reliable advertising medium for the Chicago mail-order house most interested in this form of education. The revelation that this house had sent fourteen carloads of its catalogues to Fargo to be distributed by the agents of agricultural elevation caused a chill to go over the movement so far as the farmers were concerned. Also, the discovery that one of the milling firms equally inspired to the uplift was using the frank of the Department of Agriculture to distribute glowing circulars concerning the superior qualities of its flour served to complete the measure of disgust, and when the movement became involved in a scandal in the North Dakota State Agricultural College, a scandal involving distressing charges of graft and manipulation, "Better Farming" as a cult died away and the farmer was left to follow his own devices unenlightened by the kindly cheer of the Lumber or any other Trust.

But the fact had been noted, and long remained in the minds of many farmers as sinister, that local banks had been fervid supporters of the scheme. Taking their grain to market and calling upon the town bank to cash their elevator orders, they had generally been introduced there to "Better Farming." It was plain that this had been done by instruction from a common source, and the nature of that source could easily be guessed by any farmer that would glance at the Interests that were supporting the movement. Clearly enough, then, some banks were nerve centers of influence controlled by a gigantic and secret power concerned in maintaining the existing system intact; maintaining all of it, no matter how dishonest and vicious, the false grading of grain, the defective scales, the various pickers and stealers ranged in a long line between the producer and the consumer; all were supported by the average country bank acting on instructions from bigger banks that in turn were instructed by some concentrated authority representing an appalling power of

[1] Adapted from Charles Edward Russell, *The Story of the Non-Partisan League* (Harper and Bros., New York, 1920), pp. 175–180.

heaped-up wealth. They recalled how often the same institutions had used the like influence to encourage the sending of grain to Chamber of Commerce firms, how they had discouraged co-operative and farmer movements, how they had often exerted a quiet but sure influence in politics. They reflected also that over the average farmer the average country bank held the pistol because it could at any time for any reason, or for no reason, refuse to make to him the money advances by which he was able to carry on his business, and because behind all this still was the shadow of the mortgage, which the bank controlled. These lessons went home, and it may be well concluded that "Better Farming" did not teach much agriculture to the farmer of the Northwest, but it taught him other things not less valuable.

The last attempt of this kind to divert his mind from his complaints came in the fall of 1915, when the governor of North Dakota set apart one week to be known as "Appreciation Week," the time to be utilized in spreading the glad tidings of the many advantages, great happiness, and abounding resources of the state. The newspapers, practically all of which warmly applauded this idea, explained that unprincipled persons had been retailing slanders about North Dakota. These libelers had said that it was a state ridden by corporations and controlled by the railroads, that the farmer there was systematically plundered, that abnormal conditions forced upon him by these influences had made farming an unprofitable business. The state was suffering injury by these loathsome falsehoods. Many persons that might otherwise come there to buy farms and town lots were being kept away by such reports, and consequently the farmers were enduring heavy losses in the value of their farms. What was needed was plenty of boosting for North Dakota, the grandest state in the Union. "Boost, don't knock," was the favorite, if slangy, motto of these publications throughout that week, and it can be guessed whether the real-estate agents and dealers in farming property regarded the movement with enthusiasm. The understanding through the state was that the fervor to be aroused by such a dedication would be an efficient check to the growth of the Nonpartisan League, which had but lately been revealed to the machine politicians as a menace to their way of life. If this was so the hope failed. Instead of joining in a movement that might be thought to appeal so strongly to their sentiments, the farmers generally denounced it as a trick and went steadfastly on to perfect and extend their militant organizations, offensive and defensive. They would not budge for force or cajolery, and it is self-evident that only men sure of their cause and committed to it on a reasoned conviction will stand fast in that manner.

Heckling. Another common device for control is in some manner to becloud the issue or to confuse the opposition. This may be done in many ways; either by diversion, as described above, or by challenging the motives, the logic, or the conclusions of the opposition. These latter devices may be illustrated by what is commonly known as "heckling." It is a favorite practice in England, and it is frequently indulged in by United States senators who question the facts or arguments of their colleagues. A brief case, taken from the daily press, is presented here.[1]

Fifty students and teachers at Central High School protested yesterday against attempts of a Reserve Corps army officer to recruit students, heckling him for nearly an hour in a classroom.

[1] An Associated Press dispatch from Philadelphia in the St. Louis *Post-Dispatch*, March 21, 1935.

Lieutenant H. L. Hinkle applied for the use of the classroom to talk to students interested in joining the Reserve Corps. Soon after he started to speak, the heckling began.

"What's the idea of coming here and trying to sell us war?" one of the students asked Hinkle. "Why don't you try to sell us peace? We don't want war here and we intend to see that you do not make soldiers out of Central High students."

Lieut. Hinkle tried to explain that he was offering reserve enlistments to those who wanted to join, but was interrupted by a professor.

"What right do you have to come here and try to make a war college out of a high school?" demanded John A. Snyder, a teacher.

Confusion through Emotion. Another method of confusing the issue is to appeal to the emotions rather than to an intellectual analysis of a situation. This is one of the most common devices of propaganda on a low level of appeal. It is used in salesmanship, in politics, in ordinary argument, and in many other connections. Perhaps it is to be seen at its worst and in its most deceptive phases in war. The following cases illustrate this particular use of emotional appeal, the attempt being to make men hate in order to make them fight. A part of the systematic training that recruits receive in war consists of various lessons and exercises that are calculated to arouse anger and hatred in them toward the enemy. Until this result is achieved they are not looked upon as good soldiers. The old friendly emotions must be blotted out by the new. Perhaps there would be few wars if men on both sides could be induced to take and to maintain rational attitudes towards the issues that divide them. The use of hatred to make men fight is illustrated in the following passages.[1]

After America entered the war . . . efforts were made to enthuse our people in favor of prosecuting it through the propaganda of hatred, or of stories intended to produce hatred. We simply imitated our so-called allies. We were not in the struggle long enough to reach the possibilities of the hideous rage known abroad. Here is a specimen of some of the fighting as written by an officer and published in 1918 by papers in the United States. The writer, speaking of the Germans, said: "They are very cunning rascals and do everything they can to deceive us. For instance, one day this week we saw a regiment advancing toward us on our front, dressed in the French uniform trying to flank us, coming through a field of wheat, and we knew no French were in that part of the lines. Our officers ordered us to get them, and our machine guns and rifle fire were turned on them and I am sure not one-tenth of them got away. We simply cleaned up the whole bunch. The wire entanglements we ran them through were hanging full, like fish in a net, only they were all dead. To show how fast our boys shot them, I helped strip a dead German after this particular frolic and he had thirty-six machine-gun wounds that made him look like a pepperbox. I bet they never try that stunt on us again. Again [said the lieutenant], only yesterday a Boche plane was brought down and fell near me, and it didn't burn up. I went to it and the pilot was strapped to his seat, but very dead with a bullet through his head. I got several souvenirs from him."

[1] Adapted from William C. Allen, *War! Behind the Smoke Screen* (The John C. Winston Co., Philadelphia, 1929), pp. 38–42.

Stephen Graham, whose book, *A Private in the Guards* (The Macmillan Company), is quoted in this book, says of the British Army: "Endeavor was made to cultivate hate in our ranks as a useful aid to fighting quality, and many stories, as we know, were circulated about the enemy with the idea of working up a useful hate." Again, when speaking of the army chaplains, subsequent to the Armistice: "Some notion of the new atmosphere got to our padre. The padres had for four years been preaching, 'I came not to bring peace, but a sword,' but now they realized that since Armistice a larger message was available. Said our padre to me one day with relish:

'Next Sunday I am going to be very daring and preach a sermon on loving your enemies.'

'Not a bad idea, sir,' said I.

'The padre is going to give us a sermon on "Love your enemies,"' I said to a knot of fellows. They smiled."

War is a system which involves child being set against child, adult against adult, Christian against Christian, atheist against atheist, members of the same denominations against their fellow denominationalists through inflaming some of the most malignant passions which the human heart or mind can possibly cherish! This has been clearly indicated by very definite expressions of distinguished soldiers. General Sir Ian Hamilton was reported in papers throughout the Empire as stating during an address at the unveiling of a war memorial, October 29, 1919, at the Chislehurst Wesley Church, England, that post-war hatreds should be done away with, that the British soldiers disliked "killing other people for several years at a stretch," but that "propaganda was necessary to harden their hearts for the job." . . .

During war, the nations engaged do everything possible to excite the hatred of neutral peoples toward their respective foes. Even neutrals become an object of suspicion and hatred. A sample of this may be found in a sermon reported in the Otago *Daily Times* of Dunedin, New Zealand (June 5, 1915) under the title of "Kaiser and President." The preacher referred to the United States, which had not then sided with the Empire, as follows: "There is a nation, great at least in numbers and in wealth, which has long prided itself upon its pacific intentions and principles, and claimed to be an object lesson in a higher statecraft than that of the sword. No doubt there is much that is good in that nation. But taking it all in all, it is a band of shams, hypocrisy, and pretentious humbug in politics, in commerce, in social life, in morals, in education, in religion."

The spirit of hatred was scientifically disseminated by the governments of the combatants even after the Armistice. Professor Gilbert Murray, of Oxford University, since 1920 has written: "The spirit that I have called Satanism, the spirit of unmixed hatred toward the existing world order, the spirit which rejoices in any widespread disaster which is also a disaster to the world's rulers, is perhaps more rife today than it has been for over a thousand years."

Inculcating Suspicion. Closely allied with the use of hatred as a means of confusing the issue is the promotion and manipulation of suspicion. In this connection, says an editorial from the Milwaukee *Journal*.[1]

We have heard some pretty bad things about majority rule. It seems clear that a majority is often unwise, and so may easily be called "wrong." About the only

[1] Adapted from the St. Louis *Post-Dispatch*, February 8, 1935.

thing we can say for it is that under majority rule more people are permitted to enjoy life than under other systems. That is a good deal to say. For see what Mussolini finds necessary to a system which repudiates democracy's ideals:

"Facism repudiates any universal embrace, and in order to live worthily in the community of civilized peoples, watches its contemporaries with vigilant eyes."

Or, in plain words, Fascism adopts as a philosophy the law of the jungle. The cat in the jungle and the gazelle, the eagle and the lamb, watch each other with vigilant eyes. What instinct teaches them as the law of survival, Mussolini proposes as the highest development of a civilized people.

It is Nietzschean philosophy. It is a product of the natural law of "survival of the fittest," but an unworthy product since the only fitness it recognizes is superiority in the use of force. It is the philosophy that German writers, Bernhardi, Treitschke and others, embraced in the days of Wilhelm II, for which Germany suffers today.

Mussolini goes a bit farther. To talk of watching his neighbors with vigilant eyes sounds fair enough for the homeland. But it is not. It follows that a nation must devote its best children to war and preparation for war. "War alone brings up to its highest tension all human energy and puts the stamp of nobility upon the people who have the courage to meet it," says Il Duce.

Rot! Not very new rot either; it's probably the way Alexander the Great raised an army — the nobility of dying for the leader, plus the hope of plundering other peoples. Wherein is Fascism individual if it thus adopts the old farce of divine right? It falls back on the sickening philosophy that the way to have a noble nation is to bring up the best children to kill and be killed, leaving the land to be governed by the less noble.

Fascism can be justified, if at all, as a necessary device to maintain some kind of order in a chaotic situation. But when the Duce begins to talk about the nobility of watching the neighbors with a vigilant eye, he indicts his own system. The law of survival for a brute creation he hails as the highest nobility for the human race.

Opportunism. Scarcely of the nature of deception, intrigue, or manipulation, but closely allied to all of them, is what we call opportunism. In the worst sense of the term, it implies a culpable disregard of the proper ethics of a situation. Usually it signifies that the parties most directly concerned are endeavoring to promote their own interests regardless of principles, consistency, or public welfare considerations. Opportunism is practiced very commonly by certain types of individuals, to whom the cult of success is more important than a system of social ethics. Business men and politicians are particularly likely to fall back upon this type of control. Usually some attempt at rationalization of their motives or conduct is made by opportunists; but where such a procedure is difficult or impossible, changes of front or of policy may be passed over in silence, in the hope that the public will forget — and frequently it does; for the "public" has a very poor memory. The policy of silence seems to have been the one adopted in the following case.[1]

[1] Adapted from David W. Bartlett, *London By Day and Night*, 1851, pp. 205–207.

There does not exist in Europe a more unprincipled journal than the *Times*. There is no sheet which will sell itself so quick, body and soul, for gold. It does not even profess consistency — it reflects *the times* — save when a millionaire, or a foreign despot bribes it, for then it will fight against the current of public opinion. It is owned by a set of speculators whose entire and sole object is to make money by the concern. They therefore advocate that which will pay best, and principles are good or bad with them according as they are *pecuniarily* profitable. When Cobden's great Anti-Corn-Law Agitation commenced, the *Times* ridiculed and abused it. But the nation took the question up in earnest, and that journal saw that it surely must triumph. Commerical men began to withdraw advertising patronage. On Saturday morning the paper came out opposed entirely and thoroughly to Free Trade — on Monday morning it hoisted the colors of the Anti-Corn-Law League without a single word of apology. Every item in the paper which had a bearing upon the subject, was in favor of Free Trade, and an utter stranger upon taking up the sheet, would have supposed it to be an old advocate of its new opinions. England, though accustomed to its pranks, was thunderstruck.

Its unprincipled character is best seen in the department for foreign news. It is steadily — the only thing it is steady in — the enemy of human liberty in Europe. Its continental news can never be trusted, such is its propensity to prevaricate. It has not hesitated for a moment to coin the basest lies against Mazzini and Kossuth. Its course in this matter has aroused the indignation of universal Christendom. Mr. Cobden, in an eloquent speech in reference to its course against the poor exiles said:

"How shall we describe those indescribable monsters who when foes are fallen — when they are gone into exile — when they are separated from their wives and children — when they are shivering in our streets, brought down from lofty places to beg their bread in the midst of winter — how shall we describe the wretches who are base enough to traduce the character of these men? I spoke of ghouls and vampires. They prey upon corpses and the material body; but we have no monster yet by which we can describe the nature of him who lives by destroying the character of a fallen foe."

During the spring of 1851, the *Times* persisted in stating that Mazzini was in Genoa, carrying out his revolutionary projects. Day after day it reiterated this statement, and yet we knew that he was in London. At a later day it acknowledged his return, and pretended to give a report of his speech at a public dinner. In the report occurred the following sentence: — "For the Emperor I would substitute the people — for the Pope *Nature*." Here was a deliberate, premeditated lie, for Mazzini said, "For the Emperor I would substitute the people — for the Pope GOD!" The object of the *Times* was to prejudice the English mind against the Italian hero, by making him out to be an infidel in religious matters. But the course of that paper in reference to Kossuth, has damaged it perceptibly in sale and reputation, and the English people will never forgive it for its base conduct.

We have it upon excellent authority, that in the height of the French Revolution, the Paris correspondent of the *Times* came to London in hot haste, saying to the proprietors: "I cannot pursue my present course of misrepresentation any longer with personal safety!" The unprincipled but talented gentleman was kept in London doing nothing on a full salary, until there was a turn in the tide of French politics, when he was sent back to his infamous work. One of the strongest facts which the history of this sheet unfolds, is that the best talent of Europe is always for sale, for or against despotism. Although that paper changes as often as the wind, it is not often obliged to change its contributors. With the easy principles of

the members of the legal profession, they write for pay, and whether their client be in the right or wrong, it matters very little with them, so long as the remuneration is princely!

Summary and Conclusions. This chapter on manipulation, intrigue, deception, and confusion began with a case on the rather innocent but perhaps necessary art of manipulating a young and inexperienced queen and passed immediately to the somewhat more questionable methods of the "wire-puller," a term which has by no means universal approval. Nevertheless this is a trade much followed in politics, business, and daily life in our time of real or pseudo-democracy. Close akin to the business of the domestic or local "wire-puller" or puppet master is that of the international diplomatist who engages in anything from securing a favorable trade treaty for his country to conquest or the assumption of a mandate over some poor backward people possessing oil or other resources much desired by strong countries and who therefore can no longer escape foreign "protection." This sort of "protection" differs from that offered by a gangster union mainly in the size and dignity of the parties offering it. For here, as in modern business, size counts for much and excuses many sins that might be fatal to merely local highwaymen. Armaments take the place of submachine guns in forcing such protection upon unwilling subjects. In much the same way big business "protects" little business and absorbs it, but not quite as freely, because there are some enforceable national laws regulating business practices, while, apparently, international treaties and the promises of dictators are no longer worth the paper or the radio time on which they are made.

One of the great games of the present is deceiving the public. Formerly it was not necessary to fool the people, because the people were already fools and did not count. The nineteenth century was a period in which the traditional rulers of the world — religious, political, economic, and aesthetic — had great fear of the public and frequently did its bidding, however reluctantly. But in the twentieth century these same people are again rapidly reestablishing their right to rule, sometimes by might (police, tear gas, machine guns, and standing armies), but more often by proving the people are fools (as they were so long supposed to be in former centuries), that is by deceiving them through skilful propaganda and legislative manipulation. We have presented several cases by way of illustration of these methods. In these days of secret police at home, of dictatorships closely watching for signs of discontent or rebellion, and when every country is so overrun with foreign spies that their capture is one of the major sources of news, it seemed worth while to present a few cases illustrative of the spy system in politics and in industry. The inquisition of the church

is now so feeble that we have neglected this once magnificent instrument that professed to be in the hands of God.

With the rise of democracy courts have come to be much more important, both to the masses of the people who supposedly desire pure justice and to the would-be manipulators who desire justice to be a little less pure. Because of these two points of view about the courts, their control has become a major issue in our day. Now that it is more difficult and dangerous than formerly to use bribery and corruption on courts, the strict application of precedent is the next best weapon with which the manipulators may serve their interests. The "great game of politics" is perhaps the greatest of all sports as well as the vocation offering most popular distinction in our time. Business still tempts with greater financial returns, but not even a movie actor is so great a personage as is the successful politician who can always and continuously fool and manage the people. But the sport is now at its best on the international level rather than in the national arena. We have presented a number of cases to illustrate this type of sport. But in a world as busy with propaganda as is ours even small matters, such as retranslating the Bible as a method of putting over a point of view, are not to be neglected. Although the Nazis have achieved the largest number of Bible changes by retranslation and reinterpretation, other interests have not been less active, even if less daring. This is peculiarly an age of retranslations of the Bible, some of them for scholarly purposes and some with propagandistic ends in view. It is also an age of confusion thrice confounded, made so largely by design, in which many bewildered peoples have already willingly resigned their troublesome democratic self-rule into the hands of dictators who, except for their knowledge of propaganda methods and of deception and fraud in general, are but little if any wiser than the people themselves. This is distinctively a period in which peoples are ruled by leaders who know well how to get elected or how to seize and hold power, but who have little knowledge of how to govern. The great political prizes of our time go to the politicians, not to the statesmen.

In this rather lengthy chapter dealing with the various hidden methods of fraud and deception, direct or implied, intentional or accidental, we have covered a wide range of cases, all illustrating types of control widely used and of great social significance for purposes of control of the masses in an age peculiarly dominated by propaganda. It is inevitable that the social results of such methods of control should be almost invariably undemocratic and often in the interest of exploiting groups. Without discussing the merits of the so-called " white lie," which presumably is told in the interest of the object

of the deception, it may be said that it is a safe general rule to assume that any motive that must be camouflaged is not obviously in the interest of those who are deceived and requires careful examination. This statement should apply to diplomacy as well as to business, and to politics equally with religion and ordinary human intercourse. Whether there is more or less deception used in the modern world there is no means of determining, because we have no adequate tests.

STUDENT EXERCISES

1. The students will be able to bring to the class discussion numerous cases of the manipulation of persons for special purposes.

2. Students familiar with the "wire pulling" politics of local organizations may be asked to report on the methods used. Illustrations should be plentiful.

3. Some student may be assigned to report on the later history of the plan of the allies to control or limit the economic recovery of Germany.

4. Other cases of imperialistic manipulation in addition to the one referred to in the text may be studied and reported, at the discretion of the instructor.

5. The instructor may assign Lloyd's *Wealth against Commonwealth* (pp. 374–394) for the further details of political manipulation described in the selection from this source quoted in the text.

6. For further instances of economic control over the newspapers and over freedom of teaching Upton Sinclair's *The Brass Check* and *The Goose Step* may be consulted.

7. Students may be asked to report from the newspaper files of 1934–1935 and from periodical comment of the time attempts to influence public opinion in the Hauptmann trial, as a parallel to the reading on a similar subject in the text.

8. The instructor may assign pp. 57–76 of Lord Holland's memoirs for a report on the further development of the intrigues referred to in the text.

9. A study of the manipulations, intrigues, and deceptions of Italy and Germany in connection with the invasion of Spain by Fascist and Nazi troops in 1936–1939 may be made with profit and reported to the class.

10. Consult Machiavelli's *The Prince* for the philosophy of intrigue and deception advocated for use in domestic and foreign relations. To what extent do the Italian and German methods correspond to these teachings of Machiavelli?

11. An excellent case of the influence of rumor in determining popular attitudes may be found in C. G. Jung's *Analytical Psychology* (tr. by Long), 1916, pp. 176–188.

12. For further examples of news distortion, intentional or otherwise, consult Walter Lippmann and Charles Merz' "Test of the News," *The New Republic*, XXIII: Supplement 42 (Aug. 4, 1920); also *New Republic*, Aug. 11, 1920, pp. 299–301.

13. To what extent is modern diplomacy "Machiavellian"? A report on this subject might well be made.

14. A similar study and report might be made on methods of deception persisting in business. See Charles Edward Russell's work entitled *Business: The Heart of the Nation.*

15. For a discussion of the use of deception in reporting news from the "front" in the time of the Great War various pages in Walter Lippmann's *Public Opinion* may be consulted.

16. The same source will yield interesting material on tacit deception in the Wilson-Hughes presidential campaign of 1916.

17. Could the use of deception be dispensed with in public relations in modern society? If so, how? If not, why not?

18. In what fields of activity has it persisted to the largest extent? Why in these fields?

19. The report of the La Follette senate investigation of the automobile industry of 1937 should be consulted for a report on the use of spies in industry.

20. Robert Hunter's *Violence and the Labor Movement* (Macmillan, 1914) may still be consulted with profit.

21. The Company Union may be studied as a method of manipulation.

22. The use of technicalities in court trials may also be taken as examples of the employment of deceptive manipulation in order to gain advantages for clients. What legitimate principle is perverted in this practice?

23. A study of the use of the "fiction" in law and elsewhere should be made and reported to the class. Where may this use of the fiction be found?

24. Some student in the class may wish to investigate the subject of interpolations as methods of deception. Data may be found in works on the Higher Criticism, and elsewhere.

25. What are some of the most common forms of manipulation, intrigue, and deception used in (1) the family, (2) the community, (3) the church, (4) the state, (5) international affairs, (6) business, (7) law, (8) education, (9) amusements, (10) police administration?

26. A good analysis of one form of legal deception which deceives nobody, but establishes a "presumption in court" for the international aggressor is to be found in Raymond Gram Swing's "No War in the World," *Ken*, May 5, 1938. This should either be read by the class or reported upon.

27. An excellent illustration of modern international propaganda methods is to be found in Henry C. Wolfe's "The Nazi Propaganda Industry," *Ken*, May 5, 1938. This also should be read or reported.

28. The method of covering professional self-interest motives in order to deceive the people while exploiting them for class advantage is brought out very clearly by Roger Sherman Hoar in an article in *Ken* for May 5, 1938, entitled "The Vanishing Bar."

29. Illustrations of similar practices on the part of leaders of the medical profession may be found in contemporary literature.

30. Instructors so desiring may at this point expand the work of the course in the direction of a study of propaganda methods. For this purpose the bibliographies presented at the end of the first three chapters should be consulted. The volumes by Lumley and Doob listed there will be found most useful for this purpose, the former for a sociological and the latter for a psychological approach.

31. Instructors who wish to expand the work of the course at this point in the direction of political manipulation will find useful material in the bibliography at the end of Chapter III.

32. Source material for student use of a popular current character suitable for reading in connection with this chapter may be found in a great number of publications, but especially in the *New Republic* and the *Nation*, and abundantly in the magazine *Ken*.

33. A study of the published accounts of the trials in 1938 of the Nazi spies then operating in United States territory should be made and reported to the class by

some interested student. Sources may be found in the news weeklies for the latter part of the year 1938.

34. "Fraud Rules in Europe," by Robert Dell, in *The Nation*, Vol. 147, pp. 400–404 (Oct. 22, 1938), provides a good case illustration of the use of manipulation, intrigue, and deception in modern diplomacy.

35. Thackeray, in his *Paris Sketch Book*, has an interesting essay on "Caricatures and Lithography in Paris" which reveals in an almost unmatched manner the intrigues and deceptions practiced by a professional exploiter in several fields. Although this essay was written approximately one hundred years ago it applies perfectly to modern life. Another essay in the same book, "Napoleon and His System," is almost as apposite for the same purpose.

36. Thackeray's *Book of Snobs* offers a rich source for illustrations of the use of deception and intrigue in the field of social and professional competition. Allowing for slight differences in the folkways, the cases and types may still pass as current.

Chapter XII

INTOLERANCE, CENSORSHIP, AND REPRESSION

The Outmoded Controls. The last two chapters have dealt with methods of social control which have, for the most part, abandoned violence as a means of coercion and control; but which have, at the same time, resorted to deception and fraud in putting through policies or concrete objectives which would not stand on their own merits in the open. While this aspect of deception was not as universally patent in all of the techniques of control discussed in the chapter entitled "Graft, Corruption, and Other Hidden Fraudulent Controls" as it was in those techniques considered under the heading of "Manipulation, Intrigue, Deception, and Confusion," it was perhaps the most outstanding feature common to all of those methods. Deception and secrecy have always been prominent features of social control when and where the controllers were unable frankly to use force, or preferred the gentler but more devious to the direct but violent methods. Until recently there has been a marked tendency to regard both types of control, by force and by deception, as becoming in most situations outmoded. However, force is still widely sanctioned in war and in dealing with criminals and a few other radically recalcitrant individuals and groups, and appears to have had at least a temporary renaissance within the present century. This recent growth in the use of violent coercion, especially in international relations, appears to be closely connected with increasing national populations on a base of declining resources and raw materials. In industry it has probably been largely the product of active competition under conditions of a severe economic depression. Deception and secrecy, which so long remained good form in diplomacy and are still much practiced there, especially in dealing with our international rivals or enemies, have now been relegated very largely to the use of what President Roosevelt has called "the pirate nations," to exploitive forms of business, to illegal and immoral predatory activities in general, and to a large class of undercover transactions which can no longer secure social approval although they are in large measure still tolerated when they operate under cover.

Some Survivals. It is difficult to determine why such behavior — many examples of which (such as prostitution, abnormal sexual behavior, gambling, drug and alcoholic addiction and vending, sharp

business practices) will readily occur to any reader — are still tolerated, and sometimes even protected as long as they remain under cover, in our society. Perhaps there is a mixture of motives or causes at work here to keep such practices alive, such as the force of tradition and custom, the dislike that many people have for suppressing any form of behavior which will support people financially, the fear which many individuals have that they or their relatives or friends may be caught practicing such behavior, and even a sort of dimly recognized uncertainty on the part of a great many people as to just what sorts of conduct are right and wrong. This last mentioned uncertainty arises mainly from the lack of definite or scientific standards of conduct; and also from the rather general recognition that traditional standards — even when they enjoy a religious or a conventional ethical sanction — are not always dependable and may have a large element of hypocrisy in their support. Another factor supporting the perpetuation of these practices is the great difficulty of eradicating them, protected as they so largely are by secrecy and deception. Thus, whatever may be the supporting factors, they continue and only gradually are they being eliminated. Indeed, most of them were generally sanctioned socially until quite recently.

Negative Controls Treated in This Chapter. There is another class of social controls that also operate in considerable degree through the use of secrecy and deception, but less directly than in the case of the controls already analyzed and illustrated. Intolerance, censorship, and repression are negative controls in that they deny a hearing to certain types of ideas or a chance to some forms of behavior to be operative. In each of these types of controls there are two control objectives. The first and most direct is against an agent or intermediate person who carries ideas or suggestions to a general public who may put them in practice. Control over such intermediaries or agents is direct in that the agents are prohibited or prevented from transmitting these obnoxious ideas or activities to other persons. The second control objective is indirect and operates against a public who are to be prevented from hearing or reading certain types of prohibited ideas and of learning the practice of prohibited acts by means of the suppression of the intermediaries or agents who would otherwise teach or convey them. Thus the desired negative and indirect control over the masses is secured largely through the direct control over the agents and intermediaries. These agents and intermediaries may be persons, groups, or other carriers of ideas and suggestion, such as books, periodicals, radio, or movies. The human agents may be teachers, preachers, lecturers, rumor-makers, scandal-mongers, or any other human carrier of opinion, or of information or misinformation, out of which opinion may be

made. In a literate age and in an age of dialectic and argument the volume of ideas, suggestions, and opinions that may be carried in the ways here indicated is very large. Consequently, the temptation to exercise negative or prohibitive control over such transmission of ideas and suggestion of behavior is correspondingly great.

In Whose Interest Are the Controls? Such control may be either in the interest of the public welfare or for the benefit of predatory interests that desire to keep the people uninformed and inactive regarding the prohibited matters. As a matter of fact, such negative or repressive control as we are dealing with in this chapter is usually exercised in the interest of predatory individuals or groups whose behavior will not bear the clear light of complete public information. As yet, governmental and private agencies working for the public welfare have not developed these negative controls in the interest of the public to the same extent as have the private predatory agencies in their own interest. The theory that has dominated government until very recently is the negative one of non-interference, or of the referee function. Government has been very slow to take the initiative in promoting the positive welfare of the public; but it is to be expected that it will go much further in this direction in the future and actively censor and repress the predatory propaganda and activities of private interest organizations which operate to the detriment of the general public. Likewise, private welfare organizations have been constituted in recent decades for similar purposes and especially to supplement the still rather feeble efforts of government in these directions. Thus private organizations have sought to censor or prohibit pornographic pictures and literature, the sale of books and magazines and the showing of moving pictures calculated to incite people to crime or immorality, and to arouse public opinion against a multitude of exploitive practices in business and politics which have come down from the past or have been newly invented in our time. Government also engages intermittently in the suppression of centers of vice, of gambling devices, of lotteries, etc. and prohibits the publication of various types of reading matter which are deemed injurious or misleading to the property interests of the public.

Popular Disapproval of Negative Controls. The fact that intolerance, censorship, and repression are frequently disapproved by the public itself is not particularly significant in this connection. It is true that even government sometimes uses these control devices corruptly for the furtherance of its own or of favored private interests. It is also a fact that both government and private welfare organizations all too frequently employ these devices ignorantly and sometimes to the detriment of the public interests. But in the great majority of cases there

is too little rather than too much appeal to these control techniques in the interest of the public. Greater skill and more valid judgment in their employment will undoubtedly develop as time goes on. Most of the public's opposition to the use of these devices is not based upon legitimate criticism, but upon their unwillingness to submit to a necessary, even if unwelcome, control over individual freedom where it is injurious to others; or perhaps it arises from interested propaganda brought to bear upon the people by predatory interests who wish to induce their victims to keep the way open for their further exploitation. Most of the "personal liberty" sludge that issues from beer vats, dope joints, crooked political rings, and advertising syndicates is of this type. Its purpose is not to protect the liberties of the people, but to put the people in a frame of mind in which their liberties may be the more easily and subtly violated by these self-styled protectors of "personal liberty."

The often emphasized principle that there can be no freedom without responsibility is still valid and becomes increasingly important in a highly complex and crowded civilization like ours. There are so many opportunities for uncontrolled "liberty" to do harm to others (as in loosely regulated automobile driving, for example) that no one can any longer be free in the old laissez faire sense. Not only must each person and corporation be forced, if necessary, to take full responsibility for all the harm he does in exercising his liberties, but even this sort of "reflect and pay after the damage is done" attitude is not adequate to meet the demands of public and private interest in our day, when each one of us may so easily run amuck of anyone else. Some sort of preventive control, which will put people on their guard against doing injury to others while pursuing their own interests, is necessary. We are now in the process of working out such preventive safeguards. For example, such legal requirements as examinations and tests for automobile drivers and the suspension or permanent withdrawal of driving licenses from persons who drive when intoxicated or have a "record" for violation of traffic regulations will do a great deal more for the necessary promotion of public safety than any number of fines which apply only after the harm of an abuse of "liberty" has been done.

However, the illustrations used in this chapter will be taken almost wholly from cases of predatory censorship and repression, because this is still the main sphere in which these controls operate. Already we have had occasion to give instances of intolerance in certain fields which may be recalled and re-examined in this connection. Also, in subsequent chapters cases of censorship and suppression in the interest of the public will be supplied. Particularly will this occur in connection with the treatment of the boycott. One case only of this type of repression shall we offer here.

Greek Intolerance. We take our first set of cases from among the ancient Greeks at the highest point of their civilization. There we find intolerance of a typical character, based upon loyalty to the institutions with which they were familiar and hatred of all criticism of their accepted beliefs. Almost always new ideas which attempt to dispel ignorance and prejudice are punished by the poorly informed and custom bound majority, and this was true even in Athens which boasted the greatest freedom of opinion in the ancient world. Only since the remarkable discoveries in science, which began to multiply so rapidly in the eighteenth century, have we achieved a greater freedom of thought and teaching in the western world. New ideas are now a commonplace with us, but intolerance and persecution have not ceased. First, let us see how new ideas were met in Athens in the Age of Pericles and immediately thereafter.[1]

There were many reasons for the decay of the Greek national faith, though all may be massed under the general title — the growth of knowledge. A conspicuous factor was travel. Fixity of opinion is a notorious characteristic of all people rooted to one spot. In an intellectual advance, peasants are always the last to move. People living always in one place never come in contact with conflicting ideas, and eventually come to believe their own are invulnerable. Travel in other countries effectively destroys the illusion, and convinces the traveler that opinions and creeds are matters of geography. The pious Herodotus found that at the very time Greek social life was supposed to teem with the supernatural, human affairs were following their ordinary course along the banks of the Nile, and Eratosthenes discovered the legends of Odysseus were contradicted by the facts of geography.

Thoughtful Greeks began to ask why the miracles of the Iliad had so completely ceased, and why the gods, once so often seen, had so utterly disappeared? They refused to accept different standards for different times, and general scepticism was the result. The Ionian Gods of Homer, and Doric Gods of Hesiod, lost their hold on the educated Greek mind.

Greek scholars were destined to pay the penalty for their failure to educate the general public. To escape the wrath of the ignorant, they were obliged to pretend to believe things they found no longer credible. When they raised the veil of hypocrisy, they invariably suffered. The father of Greek tragedy, Aeschylus, allowed his heretical opinions to appear in his plays; he was condemned to be stoned to death for blasphemy, and was saved only by his brother Aminias raising the arm which had been mutilated in the battle of Salamis. Euripides, another dramatist, sought to escape the consequences of his own unbelief by the ignoble expedient of denouncing the heresies of his fellow-scholars.

The difficulties of the philosophers were even more serious than those of the poets, probably because their attacks were more fundamental and were therefore more dangerous to the faith. Forever famous among these was the courageous Anaxagoras. He was drawn from Asia Minor to Athens as ambitious provincial intellects are ever attracted to the national metropolis. He lived in Athens thirty years, became famous for the severity of his mode of life, and earned the lasting admiration and friendship of the mightiest of all Greek statesmen — Pericles.

[1] Adapted from Arthur M. Lewis, *The Struggle Between Science and Superstition* (Chas. H. Kerr and Co., Chicago, 1918), pp. 31–38.

He was a pre-eminent astronomer and mathematician, and he sought, with amazing diligence and insight, for natural explanations of celestial phenomena. His search finally caused him to fall afoul of the worshippers of the sun-god Apollo. Says Professor William Wallace of Oxford: "He removed the halo of deity from the sun, and profanely turned Apollo into a mass of blazing metal, larger than the Peloponnesus." The Peninsula of the Peloponnesus had an average diameter of about a hundred miles, and to assert that the small disk in the sky had any such enormous proportions was ridiculous, as well as blasphemous. It required all the eloquence and power of Pericles to save Anaxagoras from the clutches of his persecutors, who had arrested him on the charge of contravening the established dogmas of religion. Even then he was heavily fined and obliged to flee from Athens. He went to Lampsacus, where he was received with honor, and where he spent the remainder of his life.

Another victim of popular ignorance and religious bigotry was Protagoras, the first of the Sophists. He was very successful teaching and lecturing in the principal cities. His criticism was that religious believers claimed to know things that were beyond the reach of the human mind. He published a book entitled "On the Gods," which opened as follows: "Concerning the gods, I cannot say that they exist nor yet that they do not exist. There are more reasons than one why we cannot know. There is the obscurity of the subject and there is the brevity of human life." For these sage observations he was charged with blasphemy. He fled from Athens, and on his way to Sicily, was lost at sea. Copies of his book were collected and burned, though the book for which Anaxagoras had been fined was still displayed for sale on the Athenian book-stalls.

It must not be inferred from the unfortunate experiences of Anaxagoras, and Socrates, that Greece had any organized repression of freedom of opinion. . . . Among the educated classes of Greece unbelievers were the rule rather than the exception, yet there are only a few isolated cases of persecution for opinions' sake, and even in these instances the differing views were almost certainly not the real causes of the accusation. A searching inquiry clearly demonstrates that Socrates was brought to trial by the enemies he made in his career as an Athenian politician. He had shown sturdy opposition on various occasions to the schemes of powerful political leaders, and they awaited the opportunity for revenge.

Socrates was charged with (1) denying the gods recognized by the state, and (2) introducing instead of them strange divinities, and (3) corrupting the young. Xenophon, his faithful disciple, relates that specific instances were given in support of the last charge. Among these were: teaching his associates to despise the institutions of the state; teaching the young to disobey their parents and guardians and to prefer his own authority to theirs; quoting mischievous passages from Homer and Hesiod to the prejudice of morality and democracy. It is almost certain that, had he adopted a pose of at least respectful deference, there being no disposition to extreme severity, he would have been found not guilty by his large body of judges. To the great distress of his friends, he adopted an attitude of open defiance. Even then, of the large jury of 501 Athenians, selected to try his case, 220 are said to have voted for his acquittal. A further display of contempt for consequences brought the death sentence by an increased majority. The charges were unjust, the penalty was extreme, and the whole affair was an ugly blot on the reputation of Athens. As a warning to his friends not to meddle with politics, it was a complete success. His chief disciples, including Plato, left Athens until the storm blew over, and when they returned, Plato made it clear that he had retired permanently from political life.

Forms of Modern Intolerance. Let us next turn to the reception of new scientific theories and teachings in the nineteenth and twentieth centuries. We find that, at the middle of the former century, men were still — after nearly twenty-five hundred years — being persecuted and silenced if they expressed unorthodox ideas in religion. But things have changed rapidly in the century since that time, and intolerance has successively taken on other forms. The various phases of modern intolerance are outlined and the various modes of repression used to combat new ideas are indicated in the following selection.[1]

Since the Civil War . . . cases [of academic dismissals] fall into three groups: the theological (1859–1890); the economic-political (1885–1900); and the social (1897–1917). To these must be added the War cases (1917–1918). The extended list of dismissals of teachers for their dissent from the popular view of the World War is not here covered.

The theological cases simply continued the old dispute between science and religion, the *casus belli* at this time being the doctrine of evolution. For example, in the seventies Professor Winchell was forced out of Vanderbilt University for a difference of views on theology. In 1884, Dr. James Woodrow, professor of Natural Science and Revealed Religion in the Presbyterian Seminary of South Carolina, was forced to resign for advocating in his classes the doctrine of evolution. The University of South Carolina gave this relative of the future President of the United States a chair in science. At Princeton in the eighties arose a controversy over the orthodoxy of the celebrated president, Dr. James McCosh; and a little later, Professor Charles Toy, of the chair of Semitic languages in the Louisville Theological Seminary, was forced to withdraw from that institution. He accepted a chair at Harvard.

The marked increase of cases since about 1890, especially in the departments of economics and government, coincides with our vast industrial expansion, the struggle between labor and capital, and the replacing on University boards of control of the representatives of religion with the representatives of the state or of great wealth. Men began to differ not on eternity, but on society, and were punished as of old lest they contaminate the young. The new importance of the social sciences with their research into actual present conditions, and the presentation of their statistical revelations on the evils of our industrial system, revelations that could not be blotted out by political manipulation, aroused certain vested interests to the need for weeding out and silencing these intellectual war-plots. University extension and extra-mural labors had brought the teacher into touch with vital problems in the community life. He had to speak out — and then, to fight for freedom. He had to resist too the stifling effects on himself, his ideas, and his teaching, of the munificent gifts to universities from men of vast wealth and power. There follows a brief list of type cases. It does not pretend to be exhaustive; nor does it pretend to decide the disputed details in each case, whether for example the word "dismissed" means that a teacher was forced to resign, or simply dropped from the next year's teaching staff. No final judgment on the facts is offered.

In 1893 George D. Herron was dismissed from Iowa College on account of his radical views on marriage. He was a Socialist and it has been held that his political views were urged against him. His views were also brought into the record when in

[1] Adapted from Leon Whipple, *The Story of Civil Liberty in the United States* (The Vanguard Press, New York, 1927), pp. 318–322.

1919 President Wilson appointed him to a War commission. In 1895, Professor E. W. Bemis, associate professor of economics and sociology, was dropped from the faculty of the University of Chicago, because he opposed the granting of franchises to certain public utility corporations, and for criticizing the railroads during the Pullman strike of 1894. In 1896, President E. Benjamin Andrews of Brown University expressed views on the money question then agitating the nation, and was severely criticized. He withdrew as president in 1899. In 1900 Edward A. Ross, professor of sociology, was forced to resign from Leland Stanford University because he had expressed economic opinions not approved of by the widow of Senator Leland Stanford, founder of the University. President David Starr Jordan found himself in the embarrassing necessity of disciplining Professor Ross, though he denied that economic questions governed the action. In 1911 Professor E. M. Banks was dismissed from the University of Florida for writing an article in *The Independent* on the Civil War. In the same year, Arthur W. Calhoun, of the department of history and economics, was dismissed from the Florida State College for his views on Socialism. (See *The Independent*, August, 1911.) In 1915 Professor Calhoun was dismissed from Maryville College, Tennessee, and in 1918, he was refused reappointment at Clark University because he had refused to sign an enforced loyalty pledge. In 1912–1913, Dr. John M. Mecklin resigned from the Department of Philosophy in Lafayette College under pressure for a failure in orthodoxy. This case was investigated by joint Committees of the American Philosophical and the American Psychological Societies of which Dr. Mecklin was a member. He was vindicated by the report. This same year Willard C. Fisher was suspended from Wesleyan College, Connecticut, ostensibly for a humorous remark in an address suggesting that the churches be closed for a while so that people might find out their usefulness to religion. The deeper animus was probably against Professor Fisher's activities in public affairs. In 1914, Dr. Scott Nearing, instructor in economics in the Wharton School of Finance at the University of Pennsylvania, was denied promotion on account of his statistical enquiries into local and state corporate and public service enterprises. Dr. Clyde King was also disciplined by Pennsylvania. About the same time, Dr. Joseph K. Hart, sociologist, was forced out of the University of Washington because the authorities believed his extension lectures implied an interest in politics.

In 1914 as a result of the lengthening list of teachers who had been disciplined for their opinions, and as a result of the joint action of the American Political Science Association, the American Sociological Society, and the American Economics Association in investigating the case of Professor Willard Fisher, and because of similar action in other cases by the Philosophical and Psychological Societies, there was organized the American Association of University Professors. Its chief function has been to define and protect by investigation and report the rights of teachers in our institutions. The formation of such a union was one of many signs in the United States just prior to 1917 of a wide-spread feeling that we were enjoying much less liberty than our traditions were supposed to guarantee. The reader is invited to study the authoritative reports of this Association for evidence as to the suppression of academic freedom. Less authoritative, but not less informative, is *The Goose Step* by Upton Sinclair.

These cases reveal no denial of any constitutional right. The courts can rarely be invoked even on the contractual questions involved since the status of the professional contract assumed in most cases permits easy and swift severance of relations. The offending teacher is simply disposed of; rarely, by immediate and conclusive action after the offense, but generally by indirect and dilatory action in

order to prevent any clear issue of academic freedom. Publicity is avoided by granting the teacher a year's leave without pay, during which time he is supposed to resign; or pressure is brought to make him resign at the term end. The economic weapon is usually the simplest — simply failure to advance the salary or rank of an offender, or simply failure to reappoint him. In most cases there is a combination of economic and social pressure to prevent the exercise of a special gift for making a living in a profession of limited opportunities, and to injure his professional reputation and prestige. The worst danger here as elsewhere is intimidation. Fear keeps many teachers, none too bold at best, from voicing what they know to be true about the society that surrounds them, or the history they are supposed to interpret. Most of them are not fighters. They are experts on information, with a desire to be let alone in their work. So when their opinions are disapproved, their position and experience are not such as can resist intimidation. The young scholar learns early he can succeed best by silence. There is little academic freedom in the sense of the right to teach without institutional coercion or censorship of personal faiths.

A Case of Intolerance among the Quakers. In the volume just cited a number of cases of religious intolerance and persecution are presented from some one angle of control or another. But to find intolerance and repression actively at work among the Quakers is somewhat surprising. The following case of the excommunication of Isaac T. Hopper from the Society of Friends contains in it practically all of the control techniques discussed in this chapter. It illustrates the way in which self-interest may produce intolerance of even implied criticism and also the methods that may be employed by religious as well as by other bodies to prevent the expression of unfavorable opinions, or to discourage behavior contrary to the wishes of the majority. While physical violence seems to have been avoided in this case, as would be expected in instances of intolerance in which Quakers played the principal role, nevertheless their action seems to have been none the less bitter or determined. It is perhaps worth noting that the underlying basis of the intolerant excommunication of Friend Hopper from fellowship among the Quakers was not doctrinal, but economic. It is, perhaps, in general indicative of the fact that we have already emphasized in this chapter, to the effect that intolerance is gradually detaching itself from differences in theology and is increasingly assimilating itself to economic problems. This is, of course, to be expected in an age in which economic and industrial relations play such a large part, even among the Quakers.[1]

Isaac T. Hopper . . . had imbibed anti-slavery principles in full flood at the fountain of Quakerism. Their best and greatest men were conspicuous as advocates of those principles. Children were taught to revere those men, and their testimonies were laid up in honorable preservation, to be quoted with solemn formality on safe occasions. Friend Hopper acted as if these professions were in good earnest;

[1] Adapted from L. Maria Child, *Isaac T. Hopper: A True Life* (John P. Jewett and Company, Cleveland, 1854), pp. 386–399.

and thereby he disturbed his sect when he made practical use of their religious teaching.

The principal argument brought by Friends, against their members uniting with Anti-Slavery Societies, was that they were thus led to mix indiscriminately with people of other denominations, and brought into contact with hireling clergymen. There seemed some inconsistency in this objection, coming from the mouths of men who belonged to Rail Road Corporations, and Bank Stock Companies, and who mingled constantly with slaveholders in Southern trade; for the early testimonies of the Society were quite as explicit against slavery, as against a paid ministry. However, those of their members who were abolitionists were willing to obviate this objection, if possible. They accordingly formed an association among themselves, "for the relief of those held in slavery, and the improvement of the free people of color." But when this benevolent association asked for the use of Rose-street Meeting-house, their request was not only refused, but condemned as disorderly. Affairs were certainly in a very singular position. Both branches of the Society of Friends were entirely inert on the subject of slavery. Both expressed pity for the slave, but both agreed that "the way did not open" for them to *do* any thing. If individual members were thus driven to unite in action with other sects upon a subject which seemed to them very important, they were called disorganizers. When they tried to conciliate by forming an association composed of Quakers only, they were told that "as the Society of Friends saw no way to move forward in this concern, such associations appeared to reflect upon *them*"; implying that they failed in discharging their duty as a religious body. What could an earnest, direct character, like Isaac T. Hopper, do in the midst of a sect thus situated? He proceeded as he always did. He walked straight forward in what seemed to him the path of duty, and snapped all the lilliputian cords with which they tried to bind him.

That many of the modern Quakers should be blinded by bales of cotton, heaped up between their souls and the divine light, is not remarkable; for cotton is an impervious material. But it is a strange anomaly in their history that any one among them should have considered himself guided by the Spirit to undertake the especial mission of discouraging sympathy with the enslaved. A minister belonging to that branch of the Society called "Hicksites," who usually preached in Rose-street Meeting, New York, had imbibed very strong prejudices against all modern reforms: and he manifested his aversion with a degree of excitement, in language, tone, and gesture, very unusual in that quiet sect. Those who labored in the cause of temperance, anti-slavery, or non-resistance, he was wont to stigmatize as "hireling lecturers," "hireling book-agents," and "emissaries of Satan." . . .

The state of things among Quakers in the city of New-York may be inferred from the fact that this minister was exceedingly popular, and his style of preaching cordially approved by a majority of them. One of the editors of the Anti-Slavery Standard, at that time, wrote a severe, though by no means abusive article on the subject, headed "Rare Specimen of a Quaker Preacher." This gave great offence, and Isaac T. Hopper was very much blamed for it. He, and his son-in-law James S. Gibbons, and his friend Charles Marriott, then belonged to the Executive Committee of the Anti Slavery Society; and it was assumed to be their duty to have prevented the publication of the sarcastic article. Charles Marriott was absent from the city when it was published, and Friend Hopper did not see it till after it was in print. When they urged these facts, and stated, moreover, that they had no right to dictate to the editor what he should say, or what he should not say, they were told that they ought to exculpate themselves by a public expression of this disapprobation. But as they did not believe the editorial article contained any mis-

statement of facts, they could not conscientiously say any thing that would satisfy the friends of the preacher. It would be tedious to relate the difficulties that followed. There were visits from overseers, and prolonged sessions of committees; a great deal of talking *with* the accused, and still more talking *about* them. . . .

Being unable to obtain any apology from their offending members, the Society proceeded to administer its discipline. A complaint was laid before the Monthly Meeting of New-York, in which Isaac T. Hopper, James S. Gibbons, and Charles Marriott, were accused of "being concerned in the publication and support of a paper calculated to excite discord and disunity among Friends.". . . The ecclesiastical proceedings in this case were kept pending more than a year, I think; being carried from the Monthly Meeting to the Quarterly, and thence to the Yearly Meeting. Thirty-six Friends were appointed a committee in the Yearly Meeting. They had six sessions, and finally reported that, after patient deliberation, they found eighteen of their number in favor of confirming the decision of the Quarterly Meeting; fifteen for reversing it; and three who declined giving any judgment in the case. Upon this report, the Yearly Meeting confirmed the decision of the inferior tribunals; and Isaac T. Hopper, James S. Gibbons, and Charles Marriott were excommunicated; in Quaker phrase, disowned. . . .

The Philadelphia *Ledger*, after stating that the Society of Friends in New-York had disowned some of their prominent members for being connected, directly or indirectly, with an Abolition Journal, added the following remark: "This seems rather singular; for we had supposed that Friends were favorably inclined toward the abolition of slavery. But many of their members are highly respectable merchants, extensively engaged in Southern trade. We are informed that they are determined to discountenance all pragmatic interference with the legal and constitutional rights of their brethren at the South. The Quakers have always been distinguished for minding their own business, and permitting others to attend to theirs. They would be the last people to meddle with the rights of *property*."

The Boston *Times* quoted the paragraph from the Philadelphia *Ledger*, with the additional remark, "There is no logician like money."

Whether Friends in New-York felt flattered by these eulogiums, I know not; but they appear to have been well deserved.

The Power of Excommunication. This was excommunication, but how different from the terrible excommunications of the Catholic Church in the days of its greatest spiritual and temporal suzerainty over Europe. The Quaker excommunication carried with it no power to force the arm of the civil government to carry out a more terrible punishment in the form of execution by beheading or by burning at the stake. There could be no confiscation of property, nor could the excommunicant be driven as an outlaw beyond the bounds of organized society and out of the reach of the sympathies of his fellows. Excommunication was at one time a striking illustration of how much more terrible some of the newer and apparently less violent forms of punishment can be than those which rest more directly upon the use of force. In its heyday it was capable of removing the victim from the protection of both God and man. But with the decline of the use of supernaturalistic controls and the coming of ethical standards for the guidance

of human conduct, men are likely to question the right of any one to pass the judgment of God upon a fellow human being. Excommunication has therefore come to be merely a moral and social judgment and penalty imposed by an institutional authority and leaves men free to exercise their own individual judgment as to the merits of the case. These seem to have favored Friend Hopper rather than the institution. The former terror and effectiveness of excommunication are dramatically described in the following passage taken from a once popular historian.[1]

> The pope, hitherto mild, persuasive, and undecided, now arose in the majesty of his mighty name, and, as the successor of St. Peter, hurled those weapons which had been thunderbolts in the hands of the Gregories and the Innocents. From his papal throne, and with all the solemnity of God's appointed vicegerent, he denounced the daring monk of Wittenberg, and sentenced him to the wrath of God, and to the penalty of eternal fire. Luther was excommunicated by a papal bull, and his writings were condemned as heretical and damnable.
>
> This was a dreadful sentence. Few had ever resisted it successfully, even monarchs themselves. Excommunication was still a fearful weapon, and used only in desperate circumstances. It was used only as the last resort; for frequency would destroy its power. In the middle ages, this weapon was omnipotent; and the middle ages had but just passed away. No one could stand before that awful anathema which consigned him to the wrath of incensed and implacable Deity. Much as some professed to despise the sentence, still, when inflicted, it could not be borne, especially if accompanied with an interdict. Children were left unburied. The churches were closed. The rites of religion were suspended. A funereal shade was spread over society. The fears of hell haunted every imagination. No reason was strong enough to resist the sentence. No arm was sufficiently powerful to remove the curse. It hung over a guilty land. It doomed the unhappy offender, who was cursed, wherever he went, and in whatever work he was engaged.

The Decline of Religious Intolerance. The strength of such intense religious hatreds, culminating in excommunication and burnings at the stake, declined slowly. Empires and spiritual kingdoms on earth, principalities of the church, the prestige and power of secular princes and kings, of dukes and barons, the commercial independence of great trade cities and of wealthy merchant princes, and many other pawns, were at stake. It was only when the center of gravity of civilizations shifted from the cloister to the market place, when the crown replaced the mitre, and the forum of securities took precedence over the forum of the orator and the field of glory that the old persecutions and hatreds came to seem useless and even sinful. The story of the decline of religious hatreds and persecutions is told briefly in the following paragraph.[2]

[1] Adapted from John Lord, *A Modern History*, 1861, p. 20.
[2] Adapted from Henry B. Stanton, *Sketches of Reforms and Reformers*, 1849, p. 117.

For centuries it was a settled maxim in England, that the only sure way to convert a heretic was to put him to death. All dominant sects have been persecutors in their turn. The Papists burnt the Episcopalians, the Episcopalians decapitated the Puritans, and the Puritans hung the Quakers. With the advancing light of civilization, the dungeon and the pillory were substituted for the scaffold and the stake. Then, as each sect had the power, it imprisoned, scourged, and cropped the others. At length, bigotry was satisfied with imposing pecuniary fines and civil disabilities on schismatics. Though it is long since the nostrils of a dominant sect in England have been regaled with the incense of a roasting heretic, it is only twenty years since the Established Church of that country erased from the statute book the grosser penalties against the exercise of the rights of conscience, leaving a sufficient number unrepealed to operate as a terror to evil doers, and a praise and a profit to them that do not "dissent."

A Return to Intolerance. When the civilized world had begun to congratulate itself that the days of rabid intolerance and barbarous persecution, at least of religious opinions, were about ended, reports began to come from some European countries that the old persecutions were beginning again. But there is a marked difference between the intolerance described below and that of the sixteenth and seventeenth centuries in Europe. The former is based less on differences in theological beliefs and dogmas than on political and economic interest and strategy. Perhaps religious persecution in all ages has had some vital connection with economic and political interests; but this connection is especially obvious in Germany today. The struggle there is really between a state which is unacceptable to the humanitarian motives of Christianity and the Christian churches, on the one hand, and between the state and the Jews, whom it opposes mainly on economic grounds, on the other hand. The state itself seems to be an instrument of upper middle class or bourgeois exploitation of the proletarian and lower middle class interests. The following newspaper account will serve to indicate present religious intolerance in Germany.[1]

Religious persecution in Germany by the Nazi Government, and its acts to suppress all forms of worship except that of the State-decreed German Christian movement, were described yesterday in an address before the St. Louis Ministerial Alliance at Eden Seminary, Webster Groves, by Max Brauer, who was forced to leave Germany because of his opposition to Nazi church policies.

Brauer, a layman, deeply interested in Protestant church affairs, is former mayor of Altona, Germany, and was president of the Provincial Lutheran Diet of Schleswig-Holstein.

"There is no longer any place in Germany for Christianity based upon true humanitarian concepts," the speaker said. "Its place has been taken by a barbarian regime and by a doctrine which has on its flag the slogan, 'Fight Against Humanity in All Its Forms!'

"According to the ideology of the one-party State, the State leader, and not Christ, is the savior, and stands as the infallible personification of all people.

[1] From the St. Louis *Post-Dispatch*, March 2, 1937.

"The old military monarchy and the state structure have been replaced by the totalitarian State, which has no room for mutual tolerance between State and Church. The entire spiritual, cultural and social life is dominated by the ruling party."

The Nuremberg laws, directed against the Jews, exemplify the limits of "this mad teaching," Brauer said. Complete annihilation of the Jews and destruction of economic existence were definitely intended by the Nuremberg laws, but persecution and suppression are being directed equally against the Protestants, Catholics, Quakers, church youth organizations and Bible societies, Brauer declared.

As to the Catholic church, the aim of Nazidom is complete separation from the Vatican, he said. First there were the currency trials, now there are defilement trials, the speaker stated. Priests are being accused of corrupting the morals of German youth, children are used as witnesses against the priests; the Catholic youth movement is restricted to a narrow sphere and Catholic parents are forced to register their children in non-parochial schools, he continued. One Catholic priest, he said, was imprisoned for five months for including the Jews in his prayers for help; during the 14 months ending last May, 700 clergymen of different churches were imprisoned for utterances and acts which the Nazi government considered against the State.

The death of Herr Weisler, secretary of the National Confessional Synod, the churches opposed to Nazi religious control, is another example of persecution, Brauer said. Dispatches from Berlin announced yesterday he was found hanged in a concentration camp. Secret police reported he hanged himself. Pastors are continually being subjected to indignities, or suspended, or placed in prisons or concentration camps for their opposition to Nazi domination, Brauer said.

"The new Church State authorities, working with State secret police, are suppressing the Confessional Church, which now is the prisoner of the State," he said. "Direction of churches is entirely in the hands of the Reich Minister of Church Affairs. The Evangelical Church has been captured and occupied by the Nazis, and the unreserved preaching of paganism is the fashion of the day. Theological teachers are hounded by the secret police, or removed from their positions. Freedom of religious teaching is no more."

Turning the Offenders Out. Whereas Friend Hopper was merely figuratively put out of an organization with which he continued to associate, not infrequently dissenters are literally "put out of the house" — that is, forcibly expelled from meeting. We have already had one case of this sort in connection with a political convention, described in a previous chapter. Such expulsions, as a means of suppression, occur in all sorts of organizations, whether religious, political, fraternal, economic, or literary. It is a quick and summary method of disposing for the time being of unwanted criticism or opposition, but it rarely proves to be permanently effective. There is always danger that the expelled faction will organize an independent and competitive movement or association. This is exactly what the Christians did when their reforms were rejected by the Jews, what the various Protestant bodies accomplished when expelled from the Catholic Church, what the Wesleyans did when rejected by the Anglicans, and what the Hicksite reformers

achieved when expelled from the original Society of Friends. Even the youth movement does not seem to be free from this sort of practice, if the following Associated Press dispatch can be trusted.[1]

The two-day conference of the American Youth Congress, Southern division, closed here Saturday with a split in the ranks that was marked by physical violence. . . . The break came when a number of dissenters were refused admittance to a meeting where sentiments of the conference were to have been drafted into resolutions.

When two of the dissenters attempted to introduce a resolution, they were shoved forcibly to the door, where immediately they were reinforced by a group of about 15 others outside. The subject of the resolution was not announced, but it was understood to provide for adherence to the "Youth Congress" having headquarters in New York City, from which the "southern division" meeting here split last August.

Further trouble was avoided when Chairman William S. Porter hastily declared the conference adjourned. Twenty-eight of the dissenters went directly to another room in the hotel housing the sessions and organized as "the bonafide Southern division," identifying themselves with the Eastern organization of the congress. . . .

The newly organized dissenters voted themselves as a committee of arrangements for a "South Central conference," to be held in June.

The clash between "dissenters" and "conservatives" at the conference was followed today by a move on the part of the American Legion to investigate alleged radical activities at the University of Louisville and in Louisville public schools.

When Culture Outlaws Culture. War hatreds are the most intense and the blindest of all modern hatreds and lead to the greatest extremes of intolerance. When England interfered with the German plan to have her "place in the sun" at the expense of France and the Balkans and Southwestern Asia, the balked rage of Germany knew no bounds. Her one object, as the selection reproduced below shows, was to erase the name of England from the sisterhood of nations. Such an enemy of German *Kultur* could be dealt with only by destruction. She must no longer be permitted to interfere with the divine right of the German empire to dominate the earth in the place of England. Wherefore Teutonic *Kultur* outlawed English culture, as described below.[2] Incidentally, the disparaging references to British alliances with Japan makes interesting reading in the light of the present entente cordiale between Japan and Germany.

The explosion of popular fury against England was therefore instantaneous and general. "What is happening to-day," asserted Professors Ernst Haeckel and Rudolf Eucken in a joint manifesto, "will be inscribed in the annals of history as an indelible shame to England. England fights to please a half-Asiatic Power against Germanism. She fights not only on the side of barbarism, but also of moral injus-

[1] Adapted from the St. Louis *Post-Dispatch*, April 22, 1935.

[2] Adapted from T. Lothrop Stoddard, *Present Day Europe* (The Century Company, New York, 1917), pp. 77–80.

tice, for it is not to be forgotten that Russia began the war because it was not willing that there should be thorough expiation of a wretched murder. It is the fault of England that the present war is extended to a world war, and that all culture is thereby endangered. And why all this? Because she was envious of Germany's greatness, because she wished at all costs to hinder a further extension of this greatness." Professor Lamprecht declared that the war would result in the spread of German culture over all the world, from which only one country would be excluded — England. "The German world," he wrote, "today is one. There is only one renegade brother. Up and at him! English culture must be in a bad way indeed when it allies itself with the Mongolians. . . . Germany is now the protector of European civilization, and after bloody victories the world will be healed by being Germanized." And so convinced an opponent of Russia as Paul Rohrbach closed his book, "Der Krieg und die deutsche Politik" (1914), with the following words: "Russia, with her population of one hundred and seventy million, must at all hazards be reduced, and her ability to attack central Europe diminished. But the real enemy of Germany, and not only of Germany but of the culture and civilization of all Europe — that enemy is England. Peace with England is impossible until her power to do harm has been broken forever. . . . Then, and then only, Germany's future will be assured. To display leniency toward England is now but to commit an act of treason against the future of the German Empire."

Reports of anti-German outbursts in England lashed the waves of Teutonic hate to even greater fury. "Who was it that did conspire to bring about this war?" queried the eminent dramatist, Gerhart Hauptmann, in early October, 1914, "who even whistled for the Mongolian, for the Jap, that he should come to bite viciously and cowardly at Europe's heels? It is with great pain and bitterness that I pronounce the word 'England.' I belong to those barbarians upon whom the English University of Oxford bestowed the degrees of doctor *honoris causa*. . . . Haldane, former English minister of war, and with him numerous Englishmen, undertook regular pilgrimages to the small barbarian city of Weimar, where the barbarians, Goethe, Schiller, Herder, Wieland, and others, have exerted themselves for the humanity of the whole world." "It is a fight between England and Germany to the bitter end — to the last German if need be," declared Herr Witting, head of the Deutsche Bank, to an American journalist in late October, 1914. "It is a war of annihilation between two countries and nations. England has wanted it, so let it be. We want no quarter from England; we shall give none. We shall never ask England for mercy; we shall extend no mercy to her. England and England alone brought on this criminal war out of greed and envy, to crush Germany, and now it is death, destruction, and annihilation for one or the other of the two nations. Tell your American people that, and say that these words do not come from a fanatic, but from a quiet business man who knows the feeling of his people and who knows what is at stake in this titanic struggle brought on by that criminal nation. I tell you that it is a fight to the finish. God! How we hate England and the English, that nation of hypocrites and criminals which has brought this misery upon us and upon the world. And for what? For greed, greed and envy, to crush the German nation because she found herself decadent and felt her dominance and domineering in the world endangered. For the French there is no feeling in Germany except pity and regret. We must fight them, of course, but we have no feeling against France. She was forced into it. The feeling against Russia is subsiding. But against England there is growing among low and high the most fanatical hatred and contempt that one nation ever had toward another. Tell America not to be misled by peace talk. There is not going to be any peace — not for a long time. We are prepared for

three years. In the end it will develop into a struggle between England and Germany. The English are determined to destroy the Fatherland. We have accepted the challenge."

The French Also Come to the Defense of (Their) Civilization. But Frenchmen were equally convinced of the crime of allowing Germany to pollute the fraternity of nations. It was her barbarism that threatened all civilization. If the French are less violent in their rage and less determined to destroy Germany root and branch by physical force, they are no less convinced that she must be outlawed from among the nations. A cultural league must strangle her.[1]

The philosophy of Pan-Latinism is ably expounded by the well-known French publicist, Louis Bertrand, in the "Revue des Deux Mondes" of September 15, 1916. He regards the Teutonic peril as a standing menace to Latin civilization no matter how badly Germany may be defeated in the present war. For that reason Latin solidarity is an obvious measure of racial and cultural self-preservation. He urges Latinism's best minds to an immediate working out of both theoretical and practical details. "In order that it may be possible, it must be believed in and desired. It must constitute a faith. Pan-Germanism is, at bottom, nothing but a mystic will. . . . For four hundred years, after a long period of hesitation and resistance, the Mediterranean world accepted the 'Pax Romana,' which was nothing but a perpetual struggle against barbarism. To-day, in order to continue this struggle, why should the Western world refuse to accept the 'Latin peace'?"

Other French thinkers glimpse even broader unions against Teutonism. For example, M. Jean Finot, in his organ *La Revue* for December, 1915, recommends a lasting Franco-Anglo-Italian cultural solidarity. "In the great reconstruction after the war we must, first and foremost, break with the pretended German civilization, with the influence of its savants, philosophers, and writers. Europe must renew the traditions interrupted at the time of the Renaissance. In the intellectual and moral domain, all those treasures of which humanity is so proud have been above all created by the three peoples to-day, allies and friends: the English, the French, and the Italians. But their activity has always lacked cohesion and unity. The Germans, seizing upon the conquests of thought and imagination made by those three peoples, have made the world believe in their special genius and their great merits. Being merely propagators of others' thought, they have nevertheless made us believe that they were its authors. . . . Under the beneficent influence of these three countries, human thought and inspiration have developed in harmonious fashion." To carry on this development, conscious cooperation is necessary for the fulfilment of the "New Renaissance" which should follow the war. Of course this does not imply discrimination against other peoples. But it does imply a virtual "quarantine of the manifestations of 'Kultur,' which will doubtless continue to poison the universe for long years to come. And just as the security of nations must be guaranteed against the espionage and militarism of Germany, so the conscience of peoples must be defended against the moral contagion of a collectivity which will long retain the evil effects of the Great War."

[1] Adapted from T. Lothrop Stoddard, *Present Day Europe* (Century Co., New York, 1917), pp. 66–68.

The Social Significance of Intolerance. Intolerance leads to censorship and other forms of repression. In such extreme forms as displayed in the last two cases, and especially in the case of the attitude expressed by the German writer toward England, it takes on the character of hate. Here we have on a giant international scale, in highly intensified form, an expression of those attitudes with which we have been dealing earlier in this chapter in their narrower inter-group, or even local, relations. On such a scale intolerance, hatred, and repression are satisfied with nothing short of complete extirpation. During a war there is no time nor opportunity for calm self examination and humility. There is little enough of it even in inter-party, interdenominational, or even neighborhood, rivalries and quarrels. Only such a better understanding of the social and industrial, of the religious and political, life of peoples as may come with peace and a wide spread education in the social sciences and the humanities, with a consequent greater willingness to grant justice as well as to claim privileges, will be able to bring the use of such anti-social controls to an end. As a force for evil, intolerance has been responsible in large measure for most of the international hatreds and for the bloody persecutions of religious sects that have so largely disgraced them. It is a powerful weapon when wielded by political or religious leaders as a measure to stir up the hatred of the masses.

While intolerance, especially when irrational in character, often leads to frightfully bad results, it nevertheless is a powerful social force. The examples of its effectiveness are numerous in history. It was the power which more than any other motivated the followers and successors of Mohammed to the conquest of a large part of the world, more than a thousand years ago. It not only convinced the children of Allah that they had a sacred duty to perform and thus nerved them to risk life and everything in the cause, but the alternative of death or the acceptance of the faith that they gave to the conquered won a vast acceptance of their intolerant religion. Something of the same spirit nerved Cromwell's armies. On the negative side, without the use of violence, it sustained the courage of the Puritan settlers in New England and has enabled the Jewish "remnant" to preserve their religious and cultural mores for more than twenty centuries while most of the rest of the world has seen their own undergo so many transformations under the influence of tolerance that they have lost their identity and have in many countries until recently largely ignored the recessive intolerance of sects and cultures with conflicting mores.

An active tolerance seems to be possible only where there is peace and a fair degree of prosperity. Under the stress of war or of severe economic competition, where the existence of the dominant culture

appears to be endangered, there seems always to develop a strong intolerance. At first this intolerance is toward antagonistic action and expression of opinion, but finally it is directed against even the mere outward and incidental signs of difference, such as dress, physical appearances, expression, ceremonial, and also habits of eating and talking. Even the use of foreign speech or foreign clothes becomes taboo in such cases. It is significant that the recent violent antagonism towards the Jews began in Germany, already beset with defeat and semi-starvation and with fear and hatred of almost everything foreign. That the governing classes have found it immediately economically profitable to encourage this intolerance on the part of the masses is only incidental to the more general attitude.

It would be a mistake to say that intolerance has no positive social uses. It is entirely possible for a people or a culture, enjoying a period of prosperity, to become too tolerant, and thus to endanger their future existence or the continuance of their cultural gains. During the peace negotiations after the war of 1914–1918, many people in all countries, including many of the direct participants, regarded Clemenceau's demand that Germany be permanently disabled as a measure of safety for the future of France and of Europe as obnoxiously intolerant. Since the aggressive achievements of Nazi Germany some twenty years and more after the war there have been many expressions to the effect that the peace makers were too tolerant with Germany. Also, there are always parasitic elements in all civilizations that make war by attrition upon hardly established economic, moral, and political achievements. If these elements are treated with too much tolerance, they may sometimes with surprising facility gain the upper hand and throw civilization back to an earlier and a lower level. Perhaps all highly civilized peoples have become too tolerant toward such regressive forces and thus harbor the seeds of their own decay. John Morley, in his book entitled *Compromise*, more than half a century ago called attention to this danger and offered an explanation of some of the major causes of the trend.

Censorship, exercised by some body or organization with power, is one of the less violent modern techniques of control of opinion and of opinion-making. Governments, religious bodies, the owners of the press, and various private organizations exercise censorship over ideas and data which they desire to prevent gaining currency. The censorship exercised by newspaper and periodical owners and book publishers is usually a silent one. Rejection of manuscriptions is not likely to occur on the ground that they are unwelcome to the financial, political, or religious interests that support the publication, or that such ideas would be unwelcome to a large minority of readers of the periodical.

Other grounds of rejection, or no grounds at all, are urged. But all types of publications, including the liberal and even the radical magazines and newspapers, exercise this sort of censorship; and sometimes the radical publications are more strict in their censorship than are the conservative journals. Radio systems and movie directors also exercise the censorship freely, both in the interest of their financial backers and upon the demands of influential minorities. The following case will illustrate how an active minority sometimes works for the suppression of materials or of opinions of which it disapproves.[1]

On June 18 of this year, *The Sun* published a dispatch from its Berlin correspondent, S. Miles Bouton, in which it was said that there was some similarity between Hitler's character and that of Ignatius Loyola. "One finds in both men (wrote Mr. Bouton) the same complete faith in their mission, the same readiness and determination to exercise their power with utter ruthlessness and brutality in order to carry out that mission. No consideration of personal profit or glory ever entered Loyola's mind, and I believe the same can be said of Hitler."

To the non-Catholic lay reader, this will seem a fairly harmless statement, though *The Sun* admits that the words "ruthlessness" and "brutality" were badly chosen and not in accord with prevailing historical opinion. The next day, letters were received from two outstanding Catholics, the President of Loyola College and a member of the faculty of Woodstock College, protesting Mr. Bouton's reference, and these letters were published in full the following morning. Another letter was received, written by the Dean of Loyola College and going into further detail about Loyola, and this was published one day later, on June 21.

No further protest or comment from Catholic sources was received until five days later, when Archbishop Curley, in a conversation with the editor of *The Sun*, declared that the paper was notoriously hostile to the Church, that the "affront" to Catholics had been intentional, and that an apology must be made and conspicuously published. The editor denied that *The Sun* is anti-Catholic, or that the "affront" was intentional, and declined to make an apology that would have misrepresented the position of the paper. On June 29, Archbishop Curley published a statement in an official Catholic paper, *The Catholic Review*, denouncing *The Sun* and ignoring the three letters published in its columns and also a private letter of regret that *The Sun* had sent the President of Loyola College. In the following issue of *The Catholic Review* appeared other, unsigned statements denouncing *The Sun* with such words as "liar" and "coward" and making other aspersions against the paper's integrity.

Many Catholic readers of *The Sun*, personally aware that these charges were unjustified, were evidently troubled by the turn the dispute had taken. A group of such laymen, on July 4, called on the editor, and as a result of their conversation, a statement was prepared for publication, which included these words: "It goes without saying that any wounds which have been given by Mr. Bouton's reference are a cause of regret to *The Sun*, but it goes equally without saying that these wounds were not intentionally caused. . . . No newspaper can demand of its writers that

[1] From "Free Speech and the Archbishop," *New Republic*, LXXIX : 334 (Aug. 8, 1934). Another somewhat similar case, published originally under the title "Editing Iowa" (*New Republic*, LVII : 36–38, Nov. 28, 1928) may be referred to with profit by the reader. Also, the cases dealing with the boycott of the movies in a later chapter on Non-Violent Coercion illustrate similar processes of indirect censorship.

the view of any church as to a particular historical character shall govern. Otherwise, freedom of discussion and freedom of the press would disappear."

This statement was shown to Archbishop Curley, who refused to accept it as satisfactory to him, and it was not published until July 19, when *The Sun* told the whole story of the controversy in its columns.

The facts of this matter, in our judgment, speak for themselves. Archbishop Curley has shown, we think, an arrogance of attitude and a disregard of the legitimate freedom of expression on the part of a secular newspaper that are extremely dangerous in a person occupying his high position. They are particularly ominous at a time like the present, when in Germany and other countries, the Catholic Church is itself subjected to such ruthless denial of fundamental liberties. Even in the United States, the Catholic Church members are only one-seventh of the total population, only one-third of the communicants of all denominations. There are large groups in this country who still share the hostile view of the Ku Klux Klan and are likely at any time to attempt to express that view in legislation. Under these circumstances, Catholic statesmanship should scrupulously avoid setting a bad example to the enemies of the church.

The Russian Censorship. Our account of censorship would not be adequate without some account of foreign methods. The foreign news of the last decade has contained numerous accounts of the censorship practices of present day European governments and especially by those of the dictatorships. Wars and threats of war always cause a tightening of the censorship. Also an autocratic government active in the exploitation of its people necessarily makes strenuous efforts to keep news of happier or more democratic conditions abroad from reaching its own masses and also to prevent a knowledge of its deceptions of its home people from reaching them. Even the British press, under the control of the Tory group, practices these deceptions, and the Japanese and autocratic European governments have in recent years very largely insulated the exploited masses from newspaper and radio contacts with "dangerous" ideas from abroad. Modern Germany has even returned to book burning and has instituted systematic radio suppression. In the light of these measures a description of the censorship practices of Czarist Russia as set forth in the following passage will be less surprising.[1]

Books, manuscripts, engravings, photographs, atlases, music — for the device of the censure is *Humani nihil a me alienum puto* — are being daily received in the quarantine barracks for disinfection or destruction, and from this office they are usually sent to the private lodgings of the Censors, who examine them when they have time, passing a judgment from which there is seldom any appeal. Once a week the Censors come together in solemn conclave, to compare notes and distribute the work on hand.

This wide range of subjects renders it necessary that the Censors should in certain cases modestly content themselves with the functions of a grand jury, and, having

[1] Adapted from E. B. Lanin, *Russian Traits and Terrors* (B. R. Tucker, Boston, 1891), pp. 258–261.

found a true bill against the accused, refer to a still less able but also less responsible body the inquiry into details. But no Censor would dispense himself from reading professionally a cookery book on the flimsy pretext that the bearing of the culinary art upon Russian autocracy is so shadowy and remote that an error of judgment in estimating it would prove comparatively harmless. On the contrary, he would first analyze the work from a purely political point of view, and then pass it on to the medical censure, where the hygienic truths it contained would be sifted and winnowed from the heresies, and, the suggested changes having been made by the author, sanctioned for publication. If Lenten fare were descanted upon to any considerable extent, the work would most probably be also submitted to the ecclesiastical censure, whose deliberations are invariably characterized by incredible slowness. A book on logarithms or conic sections, or a treatise on medicine written in Singhalese or Celtic, or any other tongue, of which no subject of the Tsar has an inkling, would, an uninitiated person might suppose, be wholly dispensed from the time-consuming formalities of the Censure Office. This, however, is not the case. The Censure in Russia is as universal as death: no book can escape it; and more than one purely mathematical work has been suffocated before it saw the light, owing to the disordered fancy of a harassed official. Should a special treatise of this kind contain a sentence in the preface or a foot-note alluding to the enlightenment of the Emperor or his father or grandfather, it would, after having been examined in the ordinary way, be handed over to the Minister of the Court, who would take counsel as to whether the allusion should stand or the work be allowed to appear. "How dare you allow a ribald scribbler to lampoon my imperial ancestors?" said the Tsar to the Head of the Censure, a few months ago, alluding to an erudite history of Catherine the Great. A book that touches even incidentally upon marriage, or burial, a saint or a ceremony, after issuing from the ordeal of the general censure, must run the gauntlet of the ecclesiastical inquisition; a tragedy or comedy has to be scrutinized by the general censure, the dramatic censure, and touched upon by the ecclesiastical, military, or other appropriate departments; a work on finance — say, Professor Jevons' book on money — would have to pass through the censure of the Ministry of Finances; and a biography upon Russian contemporary celebrities would have to be first sanctioned by all or nearly all of these various censures, and then by every dignitary and every influential writer mentioned in the work.

Some works that pass out of three or four such ordeals unscathed are condemned in the last, and either wholly annihilated or placed in one of the pigeon-holes of the archives in Theatre Street — a store-room of unrealized ideas, wishes, plans, and projects like those with which Ariosto filled the limbo of the moon. The number of these records of things that might have been — many of which disappear every year for want of proper surveillance — is immense; for the Censure disdains nothing, from formidable folios to tiny leaflets; and only eighteen months have elapsed since his Majesty's Minister publicly reprimanded the responsible officials for a culpable lack of zeal in censuring the little gilt paper rings that encircle cheap cigars and cigarettes, on which one word is printed — the name of the cigar which implies its strength and quality. The names, it appears, were in many cases, printed with Latin instead of Slavonic letters, and were, like the cigars themselves, of Polish, not of Russian origin, and the paper ringlets were, in the interests of good government and public morality, forthwith forbidden. "We have quite a numerous series of censures," wrote one of the few enlightened Ministers of Public Instruction (now the Minister of the Interior); a Supreme Board of Censure; an Ecclesiastical Censure; a Military Censure; a Censure in the Service of the Foreign Office; a Dramatic

Censure in the Ministry of the Court; a Press Censure; a Censure of the Secret Police; a new Pedagogical Censure; a Censure of Law Books; a Censure of Foreign Works. If we reckon up all the officials occupied in censuring, we find that they are more numerous than the books that are published each year."

The laws laid down for the guidance of the Censors are rigidly absolute in the sense that while the official, prompted by fear of dismissal, desire of promotion, or private animosity, may err with impunity on the side of severity, an attempt to stretch a point in the direction of indulgence would inevitably prove suicidal; a hundred sleuth hounds would scent out the crime, and anonymous denunciations and signed indictments would rain upon the Minister as plentifully as warnings used to pour into the mouth of the lion of St. Mark's in troublous times of sedition and discontent, leaving the Minister no choice but to punish the culprit. The Censor, told to bear in mind that excess of zeal may possibly be rewarded but will never be punished, whereas indulgence is almost certain to be followed by dismissal, frequently succumbs to the temptation to commit most arbitrary acts, against which the public, which is quite accustomed to be treated with cynical contempt, has no remedy. I was once on terms of intimate acquaintance with the Censor of the Foreign Department, enjoying a favorable opportunity of observing the manner in which he — an unusually indulgent official — acquitted himself of his official duties. He explained to me the working of the Postal Censure, which receives daily all the foreign reviews, newspapers, books, music, and printed matter of every description which pass through the post to persons living in Russia. The examination is sometimes tedious, and the result frequently unfavorable; but if the book or journal be registered, it may be expected in the long run to be either delivered to the addressee or returned whence it came; otherwise the chances are considerable that, whether approved or condemned, neither the sender nor the addressee will ever set eyes upon it again. My own experience amply confirms this statement. Hundreds of copies of English, French, and German newspapers, reviews, and books sent to me and to my personal friends have been intercepted in this way.

Some Results of Censorship. The effects of censorship, when judged from the standpoint of individual and social welfare, are of course both good and bad. It is obviously not possible to permit everything, however suggestive or stimulative of crime, disorder, and anti-social activity, to be printed or voiced to the public. On the other hand, it seems very probable from what we know of the matter that censorship is most commonly invoked for purposes of exploitation rather than for social protection. Sometimes its motivation is simply ignorant or silly, its sponsors being fearful that religion or morals, or some other highly protected institutions, may suffer harm, as seems to have been true in the cases described immediately below by the actress Ristori.[1] In such instances the censorship is likely in time to correct its own excesses by arousing public opinion against itself.

The censorship then [the middle of the nineteenth century] exercised in Austria and the Papal States had a great share in the decay of our native productions. Thus patriotic subjects were absolutely forbidden. Morality was expressed in the most

[1] From Adelaide Ristori, *Studies and Memoirs: An Autobiography* (Roberts Brothers, Boston, 1888), pp. 19–21.

fantastic way. In consequence our native dramas were reduced to a mass of absurdities when they escaped being utterly silly and without any interest whatever.

I will give a few examples of the absurd changes made by the ecclesiastical censorship in these years.

It was forbidden to an actor to utter the name of *God*, or to use the word *Angel* or *Devil*. Actors were forbidden to take on the stage the names of Gregory while Gregory XVI was Pontiff, and of John and Pius during the pontificate of John Mastai, Pius IX. The word "fatherland" (patria) was likewise prohibited as a blasphemy!

One day a certain play was submitted to the Censor, in which the principal character, who was dumb, returned to his native land after a long exile. The book of the piece contained certain directions which were to be reproduced in dumb show. Among them was the following: "Here the actor must convey to his audience the joy he feels in once more seeing his own country." Well, actually, the word *patria* (fatherland) was erased by the Censor, and *paese* (country) substituted, as though the change of words could be indicated to the public by gestures!

On another occasion, when Macbeth was given at Rome, and one of the three witches says in the second scene of the first act:

"Here I have a pilot's thumb,
Wrecked as homeward he did come,"

the Censor cancelled the lines.

"Why?" asked the manager of the company.

"Because," was the answer, "the public will probably find an allusion in them to the vessel of St. Peter which is in danger of being submerged by the wickedness of the times."

What can be said in defence of such absurdities?

Nor did the operas fare any better than the plays. In Verdi's Luisa Miller the following words occur in the tenor's beautiful song:

"Ed ella in suono angelico
Amo te, sol, dicea."

Unfortunately the expression *suono angelico* (angelic note) offended the Censor's delicate sensibility, and he substituted suono armonico (harmonious note). This so excited the hilarity of the public, that a wit amused himself by writing under the name of the Via di Porta Angelica — a street near St. Peter's — the words, Via di Porta Armonica.

When Bellini's Norma was to be given in Rome, the Censor would only allow it with the following stipulations: First, that the opera was to be called *The Forest of Irminsul*, to avoid using the word "Norma" — literally "guide" in Italian — which constantly occurs in books of devotion; then, that Norma's sons were to become her brothers; further, that she was condemned to death for having shown favor to the enemy; and that in the famous finale, where she is about to mount the funeral pyre, instead of committing her children to the care of her father Oroveso, it is he whom she must recommend to the Druids.

In Verona the memory is still green of that Veronese, and imperial Censor, who, in a piece of poetry which was to be recited, changed the words "Beautiful sky of Italy" into "Beautiful sky of Lombardy Venetia!" Can anything exceed this? How could the Italian stage prosper amidst such a state of things? How could it

move the public to enthusiasm? And, wanting prosperity and enthusiasm, it was a body without a soul.

I felt, as it were, paralyzed under the insupportable yoke which restrained my movements and suppressed half the words. And it was not enough to know that the public had for me a sincere and unalterable affection, a constant and lively sympathy. I was by this time accustomed to identify myself with the personage I represented, to live for those few hours the artistic life of the work by me interpreted, and when this was either misunderstood or ruthlessly mutilated, no longer raised up the same enthusiasm, nor drew forth those electric currents which thrill and carry away the artist. I felt myself falling from the sublime height of my aspirations. The applause lavished on me personally seemed cold, and left in my heart a kind of encroaching sadness.

The Argument against Censorship of the Press. The newspapers, which frequently exercise censorship over the news on behalf of the interests — economic, religious, political, or otherwise — that they serve, are among the organs that are loudest and most persistent in their clamor for freedom from censorship. Only the vendors of obscene and scurrilous books, pictures, and plays make more noise in behalf of this freedom from social control. Not only do the newspapers claim the right of freedom from censorship, but they are adept to a degree that the other interests cannot be in claiming it in the interest of the people themselves. It is, they say, the chief defense of the liberties of the citizens. No one can doubt, however, that the newspapers, as well as other purveyors of the written and spoken word and of pictures, frequently abuse their privilege and that their privilege would be used for purposes of spite, revenge, profit, and blackmail even more frequently than it is were it not for fear of having the right of publication curtailed or withdrawn.

The freedom of the press may be limited in a number of ways, some of the more outstanding of which are, "government pressure, congressional badgering, boycott by advertisers," and public opinion. In spite of the obvious evils that may arise from an unrestrained and unscrupulous press, the argument for freedom to print is largely sound, especially on the political side. This argument is stated in its most favorable light by Arthur Hayes Sulzberger of the New York *Times* in the passage reproduced below from that journal. At the present time the chief censorship exercised upon newspapers in this country comes from advertisers, the fear of libel suits, and public opinion. That we need a more refined and a more psychologically penetrating form of official restraint over certain types of publications, such in particular as incite to abnormal behavior or deal unfairly with personalities and causes without being actually illegal, can scarcely be gainsaid. The publisher's defense of freedom from censorship follows.[1]

[1] Adapted and reproduced from the St. Louis *Post-Dispatch*, Jan. 22, 1937.

There are . . . two kinds of censorship; the first is set up by outside authority, the second is self-imposed. In the Simpson case, the British newspapers, one and all, imposed a censorship on themselves in response to a suggestion that it would be "in the public interest" if no mention of Mrs. Simpson's divorce action were made in print. The result, as everybody now realizes, was that when the crisis did come to light, it was with an explosive force due to long suppression, with the King's abdication as the only possible outcome. Had the newspapers been left to follow their own devices, the British public could have been prepared gradually for what was in the King's mind, and the King prepared for the public's reaction — which might well have induced him to forego his intention before he had irretrievably committed himself to it. The lesson seems to be that even voluntary censorship, when taken in unison, is little less harmful than official censorship.

Of more importance than self-imposed censorship, however, is the censorship imposed from outside. Censorship by government (foreign, I am happy to be able to add) is more the rule these days than the exception. It is, at times, sudden and unexpected. Only recently, in our office, we were disturbed to read in another newspaper the news of an agreement entered into by Japan and Germany. On querying our Japan correspondent as to why he had not informed us about this very significant news development, he replied in great distress that he had sent the story three days before and naturally assumed it had come through to us. The censor had determined otherwise.

So far as the European continent is concerned, censorship has long exceeded all bounds. In Germany, it is "high treason," an offense punishable by decapitation, to communicate to any foreigner any information whatever withheld by the German authorities from their own press. The Austrian, Italian, Hungarian, Bulgarian, Yugoslavian, Greek, Turkish and other newspapers are controlled to the uttermost item buried beneath advertisements. There is this slight difference in methods: The German, Italian and Austrian editors are informed in advance what they may and may not print. The press of the other central European countries is so rigorously watched and so heavily penalized for undesired publication that it keeps to the rules from sheer fear of consequences. Even in France, where the press is professedly free, "requests" not to publish, on the English model, are frequent and unhesitatingly complied with for fear of the consequences of violation.

Censorship imposed during war is, of course, more readily understood than that laid down in peace times; yet when one's own country is not involved, it is generally considered the function of a newspaper man to break that censorship if possible. For example, Frank Kluckhohn, correspondent of the New York *Times* with the rebel forces in Spain, sent the first story, at what was actually the risk of his life, of the German and Italian planes and aviators fighting with the rebel forces. As a result of that article, Mr. Kluckhohn was unable to reënter Spain and has consequently been brought back here. This is an excellent example of where the sending of a single story is worth the expulsion which follows it. It was not until this dispatch was published that the full extent of Fascist aid to rebel Spain was comprehended.

Fortunately, we are not subjected to this kind of official censorship in this country. No authority reads our copy; no bureau ever officially makes a request not to publish. At best, we are told if we print that now it will be denied, and a newspaper must determine for itself what to do when such a case arises. Sometimes, undoubtedly, plans are interrupted by too early publication of them; but the advantages of our free system far outweigh the disadvantages.

Intolerance in Censorship. It will be of interest to present here a concrete instance of how far intolerance is prepared to go in demanding censorship of viewpoints and stimuli that are obnoxious to the intolerant person or group. The following letter, illustrating this point, was addressed to and printed in *News-Week* as indicated below.[1]

When I see a publication printing the picture of John L. Lewis on the front page, it shows the utter disregard for the American people, for you are making him a headline and of importance when in fact he is one of the deadliest menaces we have to our country. A man who has lined up with the Communists to destroy labor and seek a Dictatorship for himself, should not be starred by any publication.

The trouble with the press is they cater to most any one who they think is a headliner, criminals, etc.

Work for the salvation of the United States and put your efforts to that task, and set the seekers of power in the background and keep them there for your own good. Such men as Lewis and his gang of cutthroats would strangle you at the first opportunity, and it might be wise to remain silent about such people. Keep the radicals in the background. — E. NELSON HIGH.

Censorship in War Time. Censorship is of course at its extreme height in time of war. The violent emotions are most strongly aroused at such a time and they will tolerate nothing which has the appearance of disloyalty. Fear is the ruler of the minds of men in great crises and this fear is thrice diligent in its search for victims and substitute objects for the venting of thwarted rage. Disloyalty and dire plots are found or suspected even where they do not exist. It is this fact that accounts for the many absurdities of war censorship. Its deception and frequent dishonesty are often the result of the self-defense attitudes developed by incompetence and the exploitive practices which run riot in war times and do not hesitate to sabotage the national cause at the same time that they profess the most devoted patriotism. The following cases will serve to illustrate most or all of these mixed motives in war censorship.[2]

When the history of the Great War will have been fully written, the part played by the censorship will be conspicuously referred to. No doubt the governments involved will see to it that as far as possible little of their secret activities in this line shall be revealed. Public opinion, as in time of war applied to governmental action, be that action wise or foolish, must be steered for governmental or party benefit by the powers that be. The guileless masses are foolish to believe anything else. Censorship in time of war must be used quite as much to protect officials and the party in power as to defend the interests of the dear people. Just as governments do not always desire the masses to understand the wide scope of their propaganda, so do they not want them to know how much truth is withheld by the censorship. Censorship naturally becomes a vital deception of war.

[1] From *News-Week*, IX, No. 8, pp. 4–5 (Feb. 20, 1937).

[2] Adapted from William C. Allen, *War ! Behind the Smoke Screen* (The John C. Winston Co., Philadelphia, 1929), pp. 27–34.

Censorship during the Great War was more far reaching than many suspected. Special supplements to the *American Journal of International Law*, published in July, 1915, October, 1916, and October, 1917, quote many documents relating to the treatment of American mails and commerce by the nations that subsequently became our allies. Here is one instance, contained in a protest from the Secretary of State of the United States addressed to the British Government:

"The Department cannot admit the right of British authorities to seize neutral vessels plying directly between America and neutral ports without touching at British ports, to bring them into port, and, while there to remove or censor mails carried by them." This was dated January 4, 1916, but such proceedings continued for months thereafter. . . .

A scientist and citizen of the United States, H. Knoche, has published in his book, bearing the Latin title *Vagandi Mos*, an account of his experiences when engaged in scientific research in the Canary Islands, December, 1915. At that time the many post routes, served by automobiles, were forced to discontinue their service because the war had cut off the supply of rubber. It was proposed to charter a vessel to bring a load of tires direct from the United States. On inquiry these Spaniards were informed by the American Government that "England did not permit America to sell tires to neutral countries." Here was a neutral power prior to the entrance of the United States into the war, desiring to transact legitimate business with another neutral power, but deprived of its rights to do so by the government of one of the combatants. Such incidents seem to reveal how the American people through censorship were kept in the dark as to the actual situation abroad. This was only one little incident. . . .

What about the personnel of the censors who exercised these abnormal functions? Probably *Stead's Review*, of Australia, has thrown as much light on the subject as we are likely to obtain anywhere. Henry Stead, under date of January 24, 1920, wrote of the conscientious efforts of censors who were "peculiarly ill-fitted for the job." He stated that among the censors of Australia were a solicitor, a bank clerk, a rear admiral, a pearl diver, a civil engineer, a farmer, a chemist, a commercial traveler, a filing clerk, an auctioneer, a diamond merchant, a tomato sauce manufacturer, a law clerk, a restaurant waiter, besides representatives of other occupations which he mentions. The qualifications of one man appeared to be that he was a musician.

These men were delegated with power to influence the Australian government to prohibit the publication and distribution of certain books and leaflets during the war. Not a few of these publications would have seemed to have been quite harmless. In the Australian advertised official list of dangerous literature appeared sundry American newspapers, also pamphlets such as *Principles of Nationality*, and *Official Documents Looking Towards Peace;* both issued by the widely known and conservatively conducted American Association for International Conciliation, of New York. How astonished some of our most distinguished Americans constituting the directorate of that organization would have been to be told that their literature was dangerous, was taboo, to the scared officials of our allies.

During and for a long time subsequent to the war, the censorship was severe in England. Thus the *Western Daily Mercury* (English) of December 21, 1917, stated that Dr. C. M. Sheldon, the eminent American author, had written a letter in which he complained of the temptations to which young American soldiers were exposed in England and that part of his letter had been blocked out.

From an English source we learn that the power of the censor had become so great that "It is an offense to challenge militarism in any way whatever, to express

an opinion against conscription, to protest against the wholesale slaughter of men . . . to advocate peace by negotiation, to apply the Christian doctrine of peace and brotherhood to the present war, to protest against the treatment of conscientious objectors, to expose the incompetency of a Government Department or the irregularities of tribunal procedure."

In the year 1916 I heard discussed with great glee in England the statement that extracts from the Sermon on the Mount had been seized and confiscated under the "Defense of the Realm Act." A friend of mine testified on behalf of a young man who was prosecuted at Altrincham, near Manchester, for distributing such extracts. The same authority, a gentleman widely known in England and America, has written: "There was also a definite case in which a Minister in the House of Commons, replying to a question, said that under certain circumstances the Sermon on the Mount would be seditious."

Philip Gibbs, the great war correspondent of the Empire, in his book, *Now It Can Be Told* (Harper and Brothers), tells of his experiences with the censors. Thus he narrates an instance of chivalrous action on the part of the Germans which, to quote him, he "was not allowed to tell at the time." His colleague, H. M. T., reviewing his book in *The English Nation*, remarked it is clear enough "that in the next war the only place for the writer and publicist trying to be honest will be in gaol." He adds: "I think the censor, the war correspondent, and the other professional war writers, have succeeded in damaging irreparably the old uncritical acceptance of 'what is in the newspapers.'"

The censorship has at times been guilty of very ridiculous exploits. Witness the achievement of that unsophisticated censor of England who, in the year 1916, I think, when he encountered the well-known quotation from Kipling:

> "The tumult and the shouting dies,
> The captains and the kings depart,"

deleted the words, "and the kings," leaving a very foolish meter instead.

In the year 1916, when a message of greeting was sent by one church body in England to another in America, the quotation from Paul, "Now the God of peace himself give you peace always, by all means," was held up. No dangerous Biblical references to peace were tolerated by that prudent censor. Who takes the New Testament seriously in times of war, anyhow?

The Social Significance of Censorship. In the present chapter we have confined our attention primarily to the exploitively repressive aspects of censorship. In the chapter on Non-Violent Coercion we shall give an equally prominent emphasis to the constructive and socially useful application of the principle of censorship. It is quite obvious that censorship is employed for both exploitive and constructive purposes. The older uses of censorship appear to have been largely of the former type. In autocracies there is always a strong temptation, as we have already intimated, to keep the people in ignorance of the advance of ideas and of liberties achieved abroad and of the intrigues and misrepresentations and manipulation practiced at home. The extent of political censorship exercised by the more autocratic governments at the present time would have appeared very

improbable a generation ago. But it is not only political censorship that threatens the existence of an enlightened public opinion in our time. There are definite indications that more and more the press and the radio and the cinema are made to conform to a relatively subtle but none the less powerful censorship of minority opinions in the interest of dominant economic, religious, and cultural groups. Since the channels of effective communication are now so expensive it is very difficult for minority groups to secure means of public expression.

On the other hand, the excess of tolerance already referred to in this chapter, especially toward commercialized vices and the foibles and weaknesses of mankind, has probably conditioned us unduly against censorship in the interest of public morals. Too frequently license masquerades under the banner of liberty, and even the friends of order and of the public welfare too often oppose censorship here, not only because it is frequently unintelligent or corrupt, but also because they fear that it may be seized upon to suppress genuinely meritorious freedom in the service of good causes.

STUDENT EXERCISES

1. The instructor should have the students analyze the causes of intolerance operative in the cases described by Arthur M. Lewis.

2. Mr. Lewis' book may be consulted for further instances of intolerance in other centuries, and a comparison of the causes of such intolerance at various periods of history may be made.

3. Andrew D. White's *A History of the Warfare of Science with Theology* and J. W. Draper's *History of the Conflict between Religion and Science* may be used in the same manner.

4. Students may read Emile Namer's *Galileo* with profit in this connection. An analysis of the complex factors making for intolerance in Galileo's situation might well be made and presented to the class.

5. To what extent can the students find cases of intolerance in our modern life parallel to those studied above?

6. An examination of the Scopes trial (for the teaching of the theory of evolution at Dayton, Tennessee) might be studied in this connection.

7. Have the types of intolerance and repression of freedom of teaching referred to by Whipple been confined to the years he mentions, or has each type persisted down to the present time?

8. The "war cases" of dismissals from teaching and preaching positions might be studied in some detail from such literature as is available in the library.

9. At this distance from the "great war," to what extent do the repressive activities of the government and of universities and colleges in connection with these war cases appear to have been justified?

10. The Scott Nearing and James McKeen Cattell cases may be taken as convenient special cases for study. See the *New Republic* and the *Nation* in 1917–1918 for accounts of these cases.

11. For the case of Jerome Davis of Yale University see the same periodicals late in 1936 and early in 1937.

12. What were the effective motives in the dismissal of Isaac T. Hopper from his church communion? The whole case might be read with profit.

13. Students may be asked to report on the case of the Rev. John Gresham Machen discussed in the *Literary Digest* in April, 1935. What new element is observable in this case?

14. Describe and contrast the methods of censorship used in Czarist Russia and the Russia of the Soviets.

15. What were the apparent motives back of the censorship in Russia under the Czarist regime?

16. What appear to be the present motives in Russian censorship?

17. What seem to have been the motives for the censorship described by Ristori?

18. Describe the psychology back of the stringency and excesses of censorship in war times.

19. Analyze the psychology of the German hate of England as expressed in the selection in the text. Why was German hatred of England greater than that directed against other countries?

20. The instructor may wish to assign the members of the class to designated issues of daily papers for the purpose of analyzing them with reference to all of the types of controls treated in this chapter which they contain.

21. The cases obtained as a result of this analysis might well be classified and reported in a manner similar to that used in connection with previous chapters.

22. Have some student read and report on the argument for censorship of the press.

23. Have another student prepare a report on the arguments opposing such censorship.

24. Numerous very interesting and concrete instances of censorship in a North-Italian principality in the first third of the nineteenth century are described in Stendhal's *The Chartreuse of Parma*. What motives were back of this censorship?

25. Compare this censorship with that existing at the present time in Italy, Germany, and other European dictatorships.

26. Some strongly intolerant personalities in history may be assigned to different students for study and report to the class in an endeavor (1) to discover the grounds and causes of their intolerant attitudes, (2) to estimate the strategical effectiveness of this intolerance. Among others, Mohammed, Luther, Samuel Johnson, Peter the Great, and Hitler may be taken for study.

27. The conditions leading to intolerance in modern Japan, Germany, and Italy may be studied with profit.

28. Similar studies could be made of the intolerance of ancient Oriental peoples of Southwestern Asia and their tendency to regard themselves as highly select peoples religiously and politically.

29. How did they compare in the matter of tolerance and intolerance with the Greeks? How is this difference to be explained sociologically? See G. Lowes Dickinson's *The Greek View of Life*.

30. John Morley's *Compromise* can be read and reported with profit, perhaps chapter by chapter, for valuable material on the cause of our modern trend toward tolerance. The introductory chapter might profitably be assigned to the class as a whole, if there is time available.

31. Consult *The Armistice and the Peace* by Maj. René Lhopital for excellent material regarding the conflict of the attitudes of tolerance in the making of the peace with Germany in 1918–1919.

Part III

THE CONSTRUCTIVE SOCIAL CONTROLS

In Part III of this book we turn to the constructive aspects and methods of social control. Although we have had occasion in Part II frequently to point out the more constructive tendencies in various social control techniques or processes, our concern has hitherto been primarily with the more exploitive and repressive controls that have survived from the past into the present. Constructive social controls may now be redefined as the use of techniques and the setting up of ends which secure the welfare of the group as a whole.

We begin this third section with the most violent and least certainly constructive of this group of controls. Revolution is not always constructive, but is frequently destructive, both of human life and of social welfare. Indeed, many, perhaps most, people would ban revolution altogether from the list of constructive social controls. It is easy to point out the destructiveness of revolutions: the loss of life, the injury to property, and the upsetting of the social order which they produce. Yet, it must be admitted that, at times, society and social idealism being what they now are, it is the only instrument effective to secure an adequate change of the social order in the direction of improvement, however little the positive gain may be. Therefore we include it first among the constructive social controls, thus giving to it the lowest rank and attributing to it the least positive advantage in this category. Our second chapter in this division deals, by way of compensation and contrast, with non-violent coercive controls. The constructive utility of this type of social control is still open to serious question. Perhaps its greatest value for control purposes is negative, in that it softens the edge of conflict and thus diminishes somewhat the violence with which force is employed, because one side does not fight with weapons and force.

Standardization, as a mode of securing equitable and normal and generally recognized conditions of functioning in an equitably controlled society, is at its best a highly constructive social control, but it is not to be forgotten that in its beginnings it grew largely out of regimentation or schematized control for purposes of exploitation. It is not always easy even now to distinguish between regimentation and standardization. Regimentation of any group or class, or of society as a whole, may possibly aim at social welfare by forcing upon

an ignorant or refractory group conformity to sound methods or principles of behavior. But more frequently it has been used, not for the welfare of the group as a whole, but as a method of exploiting others in the interest of the regimenters. Much the same may be said of the supernaturalistic controls, which began largely as methods of exploitive regimentation, but which have in some instances in more recent times developed into highly ethical and idealistic religious controls. The emergence of ethical controls marks an epoch in the evolution of constructive social control; and here also we discover an improvement within the control itself. The old ethical controls were little more than the mores based on traditional belief and custom, which might be either socially good or bad. But the more enlightened and rational ethical controls are now consciously constructed from the findings of science, and especially from the data of the social sciences. As such they constitute the highest order of social controls.

Law and legislation have also undergone a similar evolution as social controls, and they now rest more securely than ever before upon social science and ethics. Witness, for example, the vast body of protective legislation concerning labor, factory conditions, the protection of women and children, scientific sanitation, provisions for mass education, the suppression of vices and of their commercialization, the prevention of child labor, the promotion of eugenics, and many more forms of a similar character, which have been established within the last one hundred years under the stimulus of a wider and deeper appreciation of the superiority of science over custom. It is at this point of submission to the guidance of science that legislation enters the service of constructive social reform at its best. By means of the application of science in general, and of social science in particular, to legislation, social reform activities become increasingly more rational, enlightened, and scientific and less emotional and partisan in character.

Thus it becomes clear that the hope of all of the constructive social controls rests ultimately upon a generous and enlightened social policy of research in the social sciences and freedom to make of education a positive service to social enlightenment and reconstruction by the democratic dissemination of the results of this research. The special pleaders for a traditional or a special interest control of society will of course deny this proposition, but history, common sense, and the achievements of science are against them. Education, it should be recognized in this connection, is responsible for something more than the dissemination of knowledge per se. A system of education adequate for purposes of constructive social control must also direct the application of abstract knowledge to concrete practice and thus render it a realistic and practical possession of each individual.

Chapter XIII

SOCIAL CONTROL BY MEANS OF REVOLUTION

Revolutions Defined and Classified. Revolution is normally an acute application of force to a major problem in social control, either to counteract a previous application of force or to overcome the effects of exploitation, deception, and other forms of manipulation and indirection, on a wide scale. It involves a change which transforms the social order in a fundamental manner, and is usually distinguished from social reform which endeavors to accomplish its ends within the existing social framework. However, revolution usually justifies itself on the ground of a needed reorganization or reform of the social order. It is, of course, an exceptional and unusual form of social control. It is difficult to determine whether a revolution is justifiable or otherwise, since perhaps the vast majority of revolutions appear to be necessary from the standpoint of those who foment them and carry them through. A smaller number of revolutions, however, are quite obviously undertaken, not as a protest against unjustifiable violence or against exploitation, but for the purpose of exploiting the peaceable and productive elements in a population. The process by which dictatorships are forcibly established comes under this description, and other examples, including the transformations that accompany conquests and most aspects of ancient and modern imperialism, may be named.

Revolutions are usually distinguished as political, social, economic, religious, moral, aesthetic, and the like. These revolutions differ greatly one from another in details. Political revolution appeals to, and in the last instance employs, force as a means to the attainment of its end. There are so-called peaceful political revolutions, but they occur more frequently in imagination than in fact. The political revolution, although not necessarily the most common form, is the one usually recognized as most typical, because this use of force calls attention to it most vividly. Economic revolutions, like the commercial revolution of the thirteenth century and after and the industrial revolution, are predominantly peaceful. They use force only incidentally, as in the prosecution of imperialistic policies, and they are less cataclysmic in character. In some forms of economic revolution, as in the transformation of property holding, the technique of transformation may be predominantly legal rather than violent. The religious revolution involves perhaps fundamentally a transformation in creeds and rituals, but it also usually carries with it fundamental changes in institutional

structures involving organization and personnel, as was the case in the Protestant Reformation of the sixteenth century. Where vested interests are jeopardized by revolutions in belief and ritual the conflict is likely to become cataclysmic and to degenerate, or at least to merge, into a political revolution. The moral revolution may take place so slowly and gradually as to be almost unnoticed by those who participate in it, or it may be so speeded up as to become cataclysmic and to approach the character of a political revolution. The social revolution may embody elements of any of the other types of revolution, but is usually most closely associated, in popular thought at least, with moral and economic changes. It involves essentially a modification of the mores. It, like the other forms of revolution here described, becomes political when speeded up or made cataclysmic. Perhaps the political revolution is nothing else than other types of revolution accelerated to the point of cataclysmic change, at which point partisan political groups are organized the more effectively to prosecute or repel the revolutionary trend. If this hypothesis is correct, it would help to explain why the political revolution is regarded as most typical. Some sociologists even refuse to consider the comparatively peaceful fundamental changes, which we have designated as social, economic, religious, and moral revolutions, as properly revolutions. They prefer to call them evolutionary transformations which, upon occasion, may be hurried into a cataclysmic phase, involving revolution in the sense of genuinely violent social transformation.

The Causes of Revolutions. Each revolution, of whatever type, has its own specific set of causes which correspond to the circumstances of time, place, and people. Perhaps always, as is generally supposed, the chief of these causes has been economic, and almost always modern revolutions arise out of some problem of the distribution of wealth, the inequality of economic privileges, the control of economic resources, of trade, or of finance, or of political and social rights and privileges which are supported by these. Much less frequently are personal or dynastic privileges primary considerations, although such causes have not been negligible historically. Most revolutions perhaps can be stated in terms of the convenient formula, "conflict of classes." But back of this open conflict lie various psycho-social conditions and tensions which accompany revolutions. The social revolution, on its surface at least, is as much, or even more, a conflict of psycho-social forces within or between institutions as it is a conflict of classes and of peoples and persons. This aspect of revolution has been well stated by Professor Ellwood in the following passage.[1]

[1] From Chas. A. Ellwood, "A Psychological Theory of Revolutions," *Amer. Jour. Sociology*, XI: 51–54 (July, 1905).

Normally social habits are continually changing; old habits are gradually replaced by new ones as the life-conditions change. Normally the breakdown of a social habit is so gradual that by the time the old habit disappears a new habit has been constructed to take its place. Thus the process of social change, of continuous readjustment in society, goes on under normal conditions without shock or disturbance; new habits, or institutions, adapted to the new life-conditions replace the old habits and institutions which are no longer adapted. This transition from one habit to another is effected under ordinary conditions in society by such peaceful means as public criticism, discussion, the formation of a public opinion, and the selection of individuals to carry out the line of action socially determined upon. But where these normal means of effecting readjustments in the social life are lacking, social habits and institutions become relatively fixed and immobile, and a conservative organization of society results. Now, societies, like individuals, are in danger when their habits for any reason become inflexible. In the world of life, with its constant change and ceaseless struggle, only those organisms can survive which maintain a high degree of flexibility or adaptability. It is even so in the world of societies. As Professor Ward says: "When a society makes for itself a procrustean bed, it is simply preparing the way for its own destruction by the on-moving agencies of social dynamics." It is evident, then, that a society whose habits become inflexible for any reason is liable to disaster. That disaster may come in two forms: it may come in the form of conquest or subjugation by a foreign foe; or it may come in the form of internal disruption or revolution, when the conditions of life have sufficiently changed to make old habits and institutions no longer workable. It is with this latter case that we are concerned.

The conditions under which social habits become inflexible, hard and fast, are many, and I shall attempt no specific enumeration of them. In a general way they have already been indicated by saying that the mechanism by which the transition from one social habit to another is effected — namely, public criticism, free discussion, public opinion — has been destroyed. This has occurred most frequently, no doubt, under despotic forms of government; and hence the connection in popular thought between tyranny and revolution. Not only absolute monarchies, but aristocracies and oligarchies also, have frequently created types of social organization which were relatively inflexible. Despotic governments, however, are only one of many conditions favorable to social immobility. Authoritative religions which have glorified a past and put under ban all progress have also had much to do with creating social inflexibility. Again, the mental character of a race or people has much to do with the adaptability and progressiveness of the social groups which it forms, and some writers would make this the chief factor. Finally, it is well known that in societies without any of the impediments of despotic government, authoritative ecclesiasticism, or inferior racial character, public sentiment, prejudice, fanaticism, and class interest can and do suppress free thought and free speech, and produce a relatively inflexible type of society.

Whatever the cause of their immobility, societies with inflexible habits and institutions are bound to have trouble. The conditions of social life rapidly change, and opposing forces accumulate until, sooner or later, the old habit is overwhelmed. Under these conditions the breakdown of the old habit is sharp and sudden; and the society, being unused to the process of readjustment, and largely lacking the machinery therefor, is unable for a greater or less length of time to reconstruct its habits. There ensues, in consequence, a period of confusion and uncertainty in which competing interests in the society strive for the mastery. If the breakdown under these conditions be that of a habit which affects the whole social life-process,

and especially the system of social control, we have a revolution. It is consequent upon such a breakdown of social habit, then, that the phenomena of revolutions arise.

But before considering some of these phenomena in detail, let us note somewhat more concretely how the old habits and institutions are overthrown. Of course, the opposing forces must embody themselves in a party of opposition or revolt. This party is composed, on the whole, of those individuals whom the changed conditions of social life most affect, those on whom the old social habits set least easily. The psychology of the revolt of large numbers of men to an established social order is, at bottom, a simple matter. It is simply a case of the breakdown of a social habit at its weakest point, that is, among those individuals with whom the habit is least workable, or, in other words, whose interest lies in another direction. From these the attitude of revolt spreads by imitation, first among those to whom the old social habits are ill-adapted, and finally among all who are susceptible to the influence of suggestion. Thus the party of opposition grows until it comes to embody all of the influences and interests which make the old habits and institutions ill-adapted, or even unworkable. If these forces continue to grow, it is evident that there is possible to the ruling classes only two alternatives: either they must make concessions, that is, attempt themselves the readjustment of institutions; or they must face actual conflict with the party of opposition. As a matter of fact, historically the former alternative has much more often been chosen, thus open conflict avoided, and so-called "peaceful revolutions" effected. If, however, no concessions are made by the ruling classes, or only such as are insufficient to bring about the readjustments demanded by the life-conditions; if, in other words, the relative inflexibility of the social order is maintained, then the antagonism between the old social habits and the new life-conditions can be resolved only by open conflict between the ruling classes and the party of revolt. And when this conflict results in the success of the party of revolt, we call it a "revolution."

The Dilemma in Revolution. The people who are responsible for the fixing of social relations and institutions, and thus for the blocking of normal social change, are often as helpless as are the people who revolt, when the question of loosening up on the social system is raised. All of their interests and obligations are tied up with the social system as it stands. To promote or to resist change often would be equally destructive to them. The question thus frequently comes to be, "Shall we perish with the system or shall we be swept away by the flood that is loosed by breaking down the system?" In the French Revolution, for example, that was exactly the problem. A generation before the final debacle came it was clearly understood by the king and the nobles that they were destined to lose, whatever might be the final solution — reform or revolution. Since it is at least as difficult for a class as for an individual to commit suicide of its own free will, they chose revolution in preference to a reform program which would also have destroyed them, and that is the meaning of Louis XV's famous aphorism, "After us, the deluge." Even in England, where not infrequently, perhaps usually, reform has been permitted to take the place of revolution,

the ruling classes have not willingly surrendered their powers and privileges. Perhaps it is psychically impossible that they should be able to do so. It was a member of the English nobility, Lord Lansdowne, who at the end of the great war of 1914–1918 advised his government to end the war short of complete destruction of German political organization, lest a proletarian revolution should follow and spread to other countries and sweep away all of the privileges of the upper classes. It is interesting also that some of the commentators upon the puzzling surrender of England and France to the dominance of Germany in Europe in 1938 have contended that the decision was dictated not so much by fear of a German victory in case of war as by fear of a proletarian victory in case of the second defeat of Germany. In other words, the hypothesis advanced by these commentators was that the ruling (tory) classes of England found themselves confronted by the dilemma of choosing between a victory for the allies and a loss of their class privileges to the proletarian forces at home or the sacrifice of British prestige in Europe and possibly the ultimate sacrifice of the British empire to German aggression, with an implied Nazi guarantee to their class dominance at home. Consequently, if this is a correct interpretation, they sacrificed the empire to their class interests. Thus, even when the nation as a whole stands clearly to gain by a reform or a course of action it nevertheless must be fought for by much strenuous effort over equally strenuous opposition by privileged classes or groups. That the existence of this barrier of the class struggle to reform in England has long been recognized, although it has often yielded to force of circumstances, is evidenced by the following analysis of British politics made more than half a century ago.[1]

In the earlier part of the last century, when men began to awake to their natural rights, philosophical minds of the Continent of Europe were struck with the composition of English society. They gave credit to the government; but it was a society, formed to independent thought and existence, on which they paused in admiration. Now, English authority, of all in Europe, has been the most liberal; but what administration of it can be named to which England is indebted for liberty, or for any portion or atom of it? What act, measure, or course of measures of any monarch, minister, or statesman exercising authority, and not acting under compulsion from without, can be named, to warrant such an attribution? If English authority could have had its way, uninfluenced by external pressure, instead of being voted their annual supplies by a legislature, they would be living on feudal rights and the proceeds of crown lands. England owes her prosperity to her liberty, and her liberty to the efforts of society. Without that she would have neither liberty nor prosperity; but there is not a period of English history when authority, left to its

[1] From Charles Ingersoll, *Fears for Democracy* (J. B. Lippincott and Co., Philadelphia, 1875), pp. 251–252.

impulses, has not opposed any concession whatever to this liberty which has made the country all that it is. Were England united to the adjacent continent by a strip of land, making her government one of the sword, she would be a kingdom of the third order.

Liberty is the shame of authority in all countries. . . . Of nothing was Charles the Second, in the seventeenth century, so ashamed as of the liberties of his country, not then much; blushing to acknowledge them to his cousin of France. The same shame mantled the cheek of the son of George the Third, in the nineteenth century, when, at the close of the long wars, between 1790 and 1815, by which liberty was crippled, the despotic sovereigns of the Continent visited him in London to exchange congratulations. Even political movements of mere humanity, improvements of the poor, of the prisons, of the law, have been forced on the English authority by society, and uniformly regarded by authority as loosening its reins.

Perhaps the ruling classes in England and in France, after a century of yielding to reforms, have at last decided to take a firm stand, alongside of Nazism and Fascism, against further disintegration and dissipation of their privileges, and, thus protected, run the risk of revolution in a desperate attempt to salvage what is left or regain what is lost in a counter revolution against a pacifistic proletariat.

Attitude of the Conservatives in Revolutions. Even today those who have made the capitalistic system and who are part and parcel of it in their sympathies and interests face the same sort of difficulty. Many leaders of the capitalistic system have contributed, intentionally or otherwise, to piecemeal and partial reforms by giving great sums for scientific endowments and for welfare work, but to abandon the system itself is possible neither mentally nor socially without a revolutionary disruption of the social order as the directors of the capitalistic system understand it. Because of their identification with the system they are unable to see such an abandonment as anything but irreparable social catastrophe which would destroy civilization itself. In such a manner was the French Revolution regarded by even as otherwise liberal a man as Edmund Burke, and so do the defenders of the capitalistic system now regard the Bolshevik revolution in Russia. Since *their* social system would be destroyed by such a revolution, and since almost everyone by psychological necessity regards *his* social system as the *one and only* feasable social system, it is impossible for a social class to give its cordial consent to a major social change. Hence the frequent inevitability of revolution as a cataclysmic form of social change which readjusts human relationships on a more equitable basis. The gradual growth of the technique of social reform during the nineteenth and twentieth centuries offers some hope that violent revolutions may not always be inevitable, but that a more rational form of social change may in time be made to work universally. This should be possible when men learn to think scientifically and objectively instead of

emotionally about the social problems that most intimately concern them.

How Revolutionists Are Made. We turn now from the general conditions and circumstances under which revolutions occur to a consideration of the individual and social causes of revolutions. First we shall examine briefly some of the factors conditioning the individual revolutionist.

The making of revolutions implies the making or conditioning of revolutionists. Revolution is a technique of social control and must be learned or conditioned in the revolutionists just as any other type of activity has to be learned or conditioned. How do people get the idea of revolution as a method of social change and readjustment? Some might learn it for themselves as the result of their own experiences. But most revolutionists derive their revolutionary ideals and learn at least the rudiments of their techniques from others. Then, if a revolution is to be a reality, these acquired ideals and behavior patterns are reinforced by their own problems of adjustment to the social order. Professor Davis has studied the sources of revolutionary conditioning in Russia and we present the results of his investigation below.[1]

It is obvious that in recording the stimuli influential in the making of revolutionists, the sociologist is open to subjective bias. I have tried to guard against this by recording so far as possible *all* stimuli which the revolutionist himself thought were influential. Even so, I think it is probably true that if this analysis was repeated by some other sociologist the statistical summary would be slightly different. It is also true that the revolutionists may have omitted some of the most important stimuli. The drives to thought and action are usually disguised. It is quite possible that the chief stimulus to revolutionary action may have been what Dr. Thomas has called the desire for a new experience, the desire for response, and the desire for recognition, which would not necessarily have been stated in an autobiography.

It would be perfectly possible to analyze these cases also from a psychiatric standpoint. How did the individual get the revolutionary "complex"? It is conceivable that the desire for recognition in the Russian social environment was blocked in a number of directions by caste and property limitations. The individual then would be subject to conflict and repression, and it would be quite understandable if he seized the revolutionary method to satisfy his natural desires. To some extent the revolutionist is also prone to phantasy and daydreams. For he builds himself an ideal state in imagination. To be sure, he then tries to build that state in reality, but he is always prone to think it will come too quickly and too ideally. The number of Communist revolutionists who have committed suicide are indicative of disappointed hopes of one sort or another. Space limitation forbids an analysis from the psychiatric standpoint, but it is hoped that such an examination will some time be made. Let us consider the detailed data as we found them:

[1] From Jerome Davis, "A Study of One Hundred and Sixty-Three Outstanding Communist Leaders," *Pub. Amer. Sociol. Society*, XXIV : 52–55 (1930).

1.	Influence of revolutionary parents or grandparents	8
2.	Sacrifice and idealism of father, or his revolutionary ideas	17
3.	Father's harshness, immorality, or narrowness	9
4.	Sacrifice and idealism of mother or her revolutionary ideas	12
5.	Influence of older brother	8
6.	Revolutionary literature, books, and periodicals	66
7.	Racial discrimination	5
8.	Cruelty of Tsar's officials or jail experience	9
9.	Hardships of family or injustice of landlords against family and others	15
10.	Hardships of peasants	9
11.	Hardships of workers	15
12.	Repression of school authorities or expulsion	14
13.	Influence of fellow-students	45
14.	Influence of fellow-workers	20
15.	Influence of teachers	13
16.	Influence of general revolutionary group	10
17.	Direct influence of exiles or contact with those in jail	3
18.	Participation in revolutionary activity itself	3
19.	Revolution of 1905	15
20.	Assassination of Alexander II	3
21.	October Revolution, 1917	3
22.	Witnessing strikes	5
23.	Experiences while a resident abroad	2
24.	Disillusionment about religion really translating its ideals into life	3
25.	Miscellaneous: World War, witnessing student uprisings, etc.	5
	Total	317

It will be noticed that the influence of the family, including grandparents, father, mother, and brother, were responsible for a total of 54 cases, or 17 per cent of the total. However, this includes 9 cases in which the individual reacted against the strictness or unsocial attitudes of his father to desire a revolution in general. Books and periodicals were noted as influential in 66 cases, or 20.8 per cent of all. The experience of the individual himself as shown in items 7, 8, 9, and 12 was responsible for forty-three stimuli, or 13.5 per cent. It should be remembered, however, that some of the items under 10 and 11 were also partially experienced by the individual, and so this factor is actually higher. In this connection it is interesting to record that several stated that their jail experience was the final stimulus which caused them to become Communists. For instance, one said that the prison "was the best university in his whole life." Several said that reading aroused merely a theoretical interest in radicalism, but that it was practical work which made the deepest impression. Another said he read Karl Marx's *Capital* merely as a theoretical assignment and it made no impression on him. It was the practical work which made him decide on a revolutionary career.

The hardships of others were influential in at least 24 cases, or 7.8 per cent, and may have been influential in nearly all since the revolutionists almost took for granted conditions under the Tsar's regime were so unfavorable that the masses were suffering. It is possible, therefore, that they did not record this stimulus in their biographies to the extent that it really was influential.

The influences of teachers, fellow-students, or fellow-workers were the most important group, totaling seventy-eight stimuli, or 24.6 per cent. If to these are added to the influence of general revolutionary groups and exiles, it makes a total

of ninety-one stimuli, or 29.6 per cent of all that came directly from individuals outside the home.

The influence of larger outside revolutionary events (items 19, 20, 21, and 22) acted as a stimulus in 28 cases, or 9.7 per cent of all.

As far as this analysis is indicative, it would seem to show that the home is not quite as influential as is commonly supposed, at least in the recorded attitudes of Communist leaders. Books and periodicals and the influence of others outside the home were much more powerful. Here again, however, it is quite possible that the subtle and unrecorded influence of the home may have been very influential in nearly all these cases. Teachers and those who write should receive encouragement from the fact that literature and teachers have been so influential.

Revolutionary Associations and Revolutions. We pass now from the conditioning of the individual revolutionist to the role of collective agencies in the promotion of revolutions. These agencies are many, but we have room for the consideration of only two at this point. Others will appear incidentally in the treatment of other aspects of revolution later on in the chapter.

Revolutionary associations have come to be the most powerful agencies in fomenting revolutions. In early days, before the masses could read and when there was so little freedom of assemblage that associations of protest were regarded as treasonable, this method of fomenting revolution was very difficult or impossible. From the time of the Reformation such attempts were not uncommon, however, and in the eighteenth, and especially in the nineteenth, century they came to be surprisingly successful, although they were discouraged and punished by government. The working of such societies in France in the reign of Louis Philippe is described by one who was bitterly opposed to them, in the following passage. In spite of the emotional attitude of the writer his description will serve to indicate the main phases of their activity.[1]

The forces which the republican party was about to bring into line were not composed solely of the army of the Rights of Man; other revolutionary societies existed at that time, the concurrence of which became inevitable in every democratic movement. These societies either moved like satellites around the Rights of Man as a centre, or were indiscriminately intermingled among its members.

The two most important of these societies were the Society for the Defence of the Press and the Commission of Propagandism. The object of the first was to extend assistance to those writers who were condemned for political offences; and it included in its committee the greater part of the more important democrats, such as Messrs. G. Cavaignac, Carrel, Cormenin, Lafayette, Kersausie, Marrast, Raspail, Charles Teste, Voyer-d'Argenson, Etienne Arago, de Briqueville, Cabet, Dupont de l'Eure, Garnier-Pagès, etc. Almost all these names are met with again in the general staff of the Rights of Man, which shows that this Society for the defence of the Press was only an accessory of the greater association. M. Marchais

[1] Adapted from Lucien de la Hodde, *History of the Secret Societies of France* (J. B. Lippincott and Co., Philadelphia, 1856), pp. 149–152.

was the secretary of the committee, and he had quite as much as he could do to satisfy the demands of the unfortunate writers, great and small, who harassed him with their claims. Among the papers that were seized upon in his house there were found some very curious lists of democratic claimants who called for patriotic aid. Of these claimants, Messrs. Marrast, Dupoty, Trélat, Antony Thouret, Philippon and Noël Parfait, established their right to assistance in the most touching manner.

The Commission of Propagandism busied itself with nothing more nor less than the fomenting of coalitions among the working-men, a monstrous task, which occupied the indefatigable labors of a committee of twenty-two members. Among these members were Messrs. Recurt, Dufraisse, N. Lebon, Vignerte, and Berryer-Fontaine, who were also corypheuses of the Rights of Man, another evidence that this commission, too, was in fact a mere mob-making machine, which received its impulsion from the Committee of Eleven. One can hardly withhold a feeling of indignation against men who, under the pretence of studying the interests of the workingmen, labored to excite discords between these men and their employers, impelling them to strikes as a preparatory step towards leading them to revolt. Perhaps it might be thought that such efforts would remain fruitless on account of their infamy; but alas no! for are not the poor and honest fatally condemned to the influence of those charlatans who offer them their panaceas? The exciters of coalitions succeeded so well that, by the end of the year 1833, almost every trade in Paris had struck. The typographers, mechanicians, stone-cutters, rope-makers, hackney coachmen, ceilers, gloviers, timber sawyers, bonnet-makers, locksmiths, ornamental paper-makers — all had left off work. Among the strikers there were reckoned 8,000 tailors, 6,000 shoemakers, 5,000 carpenters, 4,000 jewellers, and 3,000 bakers. . . . But one day, while the committee were assembled at the houses of Messrs. Vignerte and Lebon, the police, being informed of it, repaired thither and captured almost all of them; and immediately the strikes ceased. All that the honest workingmen wanted in order to resume work, was to get rid of the tyranny of the bad. In the legal proceedings which grew out of this affair, Messrs. Lebon, Mathé, and Lemonnier were sentenced to imprisonment for five years, Vignerte for two years, and Recurt and Dufraisse for one year. . . .

Besides these two societies, there were, 1st. The Society of Father Andrew, the object of which was the publication, colportage and sale of demagogic writings. Its members, who were numerous, were also connected with the rights of man. Its directors were Messrs. Roux, Hadot-Desages, and Rion.

2d. The Society for the Assistance of Political Prisoners. The object of this society was to aid all kinds of democrats; differing in this respect from the Society for the Defence of the Liberty of the Press, which occupied itself only with writers.

3d. The Society for the Free and Gratuitous Education of the People. This society took its members from whatever quarter it thought fit, and never troubled itself about general rules. It was originated by an honorable man, and had been tolerated by the ministry; but afterwards, on the withdrawal of its founder, the schools which it had established became so many centres of republicanism. The pretended instruction of these schools was for the benefit of the working people; and all the pupils, or at least those who had beards upon their chin, were more or less directly implicated in the machinations of the Rights of Man.

4th. The Masonic Lodges; among which were organized several corps of action, with a revolutionary object instead of a philanthropic one.

5th. The Society of Aid Thyself — a fragment of the old liberal association of the same name of the period of the restoration; but renewed, transformed, and redyed with the red of republicanism.

6th. Carbonarism — another meagre and dislocated fragment in which the ancient reputation of Messrs. Charles Testes and Buonarotti still preserved, with much difficulty, a trace of existence.

There were, besides, several other assemblages with various different objects, but all making an open profession of anarchy, among which may be mentioned the historical society of M. Laponneraye, established for the especial glorification of those immortal citizens Robespierre, Marat, Couthon, etc.

All these assemblages, some of which depended wholly upon the Rights of Man, and all of which acknowledged its ruling influence, were to furnish their effective quotas for the great battle of the 13th of April.

Action Groups and Revolution. In the preceding topic the emphasis was upon the role of the propaganda organization and the radical discussion club in fomenting revolutions. To these associations might have been added the part that publicity may play in generating or in sustaining a revolution. When such publicity is censored or forbidden it necessarily takes the form of conversational propaganda and the secret distribution of leaflets and pamphlets and the clandestine attachment of posters upon conspicuous places. Where there is more freedom, the propaganda is made through addresses, mass meetings, newspapers, radio programs, and books. After the revolutionary spirit has been prepared, by whatever method of propaganda, there comes the opportunity of the action groups to precipitate the revolution in its visible reality. An army is the most effective action group for this purpose, but the mob has also been successful upon occasion — although decreasingly so, due to modern engineering and military precautions in the nature of tear gas, machine guns, and standing armies — as the following discussion shows in part.[1]

Popular governments have been repeatedly overturned by the Army and the Mob in combination; but on the whole the violent destruction of these governments in their more extreme forms has been effected by the army, while in their more moderate shapes they have had the mob for their principal assailant. It is to be observed that in recent times mobs have materially changed both their character and their method of attack. A mob was once a portion of society in a state of dissolution, a collection of people who for the time had broken loose from the ties which bind society together. It may have had a vague preference for some political or religious cause, but the spirit which animated it was mainly one of mischief, or of disorder, or of panic. But mobs have now come more and more to be the organs of definite opinions. Spanish mobs have impartially worn all colours; but the French mob which overthrew the government of the elder Bourbons in 1830, while it had a distinct political object in its wish to defeat the aggressive measures of the King, had a further bias towards Ultra-Radicalism or Republicanism, which showed itself strongly in the insurrectionary movements that followed the accession of Louis Philippe to the throne. The mob, which in 1848 overturned the government of the younger Bourbons, aimed at establishing a Republic, but it had also a leaning

[1] Adapted from Henry Sumner Maine, *Popular Government*, 1886, pp. 23–25.

to Socialism; and the frightful popular insurrection of June, 1848 was entirely Socialistic. At present, whenever in Europe there is a disturbance like those created by the old mobs, it is in the interests of the parties which style themselves Irreconcilable, and which refuse to submit their opinions to the arbitration of any governments, however wide be the popular suffrage on which they are based. But besides their character, mobs have changed their armament. They formerly wrought destruction by the undisciplined force of sheer numbers; but the mob of Paris, the most successful of all mobs, owed its success to the Barricade. It has now lost this advantage; and a generation is coming to maturity, which perhaps will never have learned that the Paris of to-day has been entirely constructed with the view of rendering forever impossible the old barricade of paving-stones in the narrow streets of the demolished city. Still more recently, however, the mob has obtained new arms. During the last quarter of a century, a great part, perhaps the greatest part, of the inventive faculties of mankind has been given to the arts of destruction; and among the newly discovered modes of putting an end to human life on a large scale, the most effective and terrible is a manipulation of explosive compounds quite unknown till the other day. The bomb of nitro-glycerine and the parcel of dynamite are as characteristic of the new enemies of government as their Irreconcilable opinions.

Precipitating a Revolution for Which the People Are Ready. Once a public opinion favorable to revolution has been worked up, it still remains to stage it and to throw the people as a whole into violent action. This may be done in a variety of ways. We have already discussed the part played by mobs in this connection and reference has also been made to the similar function of armies. But usually the revolutionary party does not have an army at its disposal. It is compelled to create one out of the citizen population, with the aid of whatever military elements it may be able to command. The stirring of the masses into active revolution may occur in a number of ways. Sometimes it happens almost of itself, without much or any immediate preliminary planning. Some inadvertence or even violence or mistaken policy on the part of the party in power may precipitate a revolution for which the public has been prepared. Such was the case with the Russian revolution which overthrew the Tsar in 1917. Defeat of the Russian armies at the front and various active rumors regarding the incompetence of the generals and the treason of the ministers of government which had sacrificed the ignorant loyal masses of fighters had aroused the soldiers and the people to a wild pitch of excitement. The officers of government knew all this and suspected that a revolution was brewing in the people's strong discontent. The officials decided to prevent the violent revolution by the people with violence of their own. In order to carry out this plan they must bring the people together and make an excuse for the use of force. They found their opportunity in holding up the distribution of bread. Thus for two or three days the people accumulated in the public square of the capital

hungry and excited, waiting for the bread that did not come. All that was needed to give the soldiers an excuse to fire upon the people and intimidate them, as the government had planned, was for the people themselves to be provoked to minor acts of violence by the delay in receiving their bread. But the people were patient. Then, says Lincoln Steffens in his *Autobiography*, the government sought to provoke the people by having the Cossacks ride among them on the pretext of keeping order and act with brutality towards them. But the Cossacks for once would not be brutal with the people; they were gentle. When an army officer killed a bystander, one of the people, the Cossacks killed the army officer. Thus the people, who would not be provoked to violence and a riot and thus give an excuse to the army to shoot the fear of God and the Government into them, came to realize that the soldiers were on their side. They then first knew that the revolution which they desired but would not otherwise have had courage to stage in the face of the army, was feasible. The government had itself precipitated the revolution by demonstrating to the people that it was possible.

When Revolutions Come Out of Time. Sometimes the opportunity for revolution arrives before the people are prepared for it or thoroughly accustomed to the idea. In such cases propaganda has to be carried on while preparations are in progress and public opinion must be solidified about the revolutionary ideal. Such propaganda is rarely very squeamish as to the methods used. The old slogan, "All's fair in love and war" is applied literally here. Sometimes the enthusiasts hasten the revolutionary act or break unduly, and frequently with unfavorable results. The more sober and cautious leaders are always at a disadvantage in the eyes of the people who are being stampeded by the more radical — and perhaps less responsible — element. In fact, the cautious leaders may even come to be regarded as traitors if they do not fall in line with the procession. These and other aspects of the problem of staging the revolution are illustrated in the following passage.[1]

The clamor became so general that the wire-pullers of the Rights of Man, who were in search of an occasion for a tumult, thought that they had found one to their purpose. The anniversary of the affair of July was near at hand; the king was to have a review; cries against the forts might be set up on all sides, from the ranks of the militia as well as from the crowd; a collision might take place, either naturally or by means of skilfully prepared combinations, and the sections, profiting by the disorder, might make an armed irruption upon the city. Such was the plan conceived, not exactly by the committee, the principal members of which were under the impression that the hour for action had not yet arrived, but by a knot of impatient men, at the head of whom were Messrs. Kersausie, Barbes, Sobrier, etc.

[1] Adapted from Lucien de la Hodde, *History of the Secret Societies of France*, 1856, pp. 130–131.

The tail ran away with the head, as usual. The eleven, not daring openly to oppose the attempt, allowed the preparations to have a free course, hoping that reflection, or some lucky incident, might arrest the explosion. But if men who are respectable in some points of view will ally themselves with fools, they must expect to bear the responsibility of follies. This was the fate of M. G. Cavaignac all his life.

The leaders then betook themselves to the work. But as they were not positively certain of the anti-fortification sentiments of the National Guard, they conceived the idea of introducing a large number of republicans into the companies commanded by the patriots, with the view of rendering the cries imposing, at least at certain points. These clamors, thus organized, were to express with astounding effect the sentiments of the bourgeoisie. The students, great lovers of noise, promised on their part, a collection of the most stentorian voices. All the other necessary measures usual in such cases were taken; the sections were assured that their brethren of the provinces had received the word, and were hastening to Paris; the propagandism of newspapers and other publications was in a perfect rage; care was taken to give the histories of patriots who had been tortured, knocked down, trampled upon, and left rotting upon the *humid straw;* and, in short, none of the usual means were left untried for turning the heads of the simple minded and the ambitious.

At the same time, orders were given to have arms and ammunition in readiness. But, notwithstanding this, the newspapers represented the manifestation as perfectly pacific. The fact is that many such manifestations *are* pacific, but it is owing wholly to the measures which have been taken by the government. In maintaining the perfect innocence of its friends, the *Tribune*, whose readers had the upper hand of the *Rights of Man*, lied with its accustomed impudence. As to the other mere ordinary papers of the opposition, they seemed to think that it was their duty to make solemn asseverations of what they knew nothing about; it is their habit.

Special Problems and Procedures in Staging Revolutions. Many problems regarding the conduct of revolutions arise either before they mature or while they are in process, only a few of which can be discussed here. Occasionally the problem of organizing the revolt is one of considerable difficulty because of unusual circumstances. In such cases very competent leadership is required or failure will inevitably result. Another problem, which every revolutionist would like to have settled beforehand, is as to the chances of ultimate success. Very rarely do revolutions by a people of inferior material and technical culture against one of superior culture succeed. But sometimes greatly superior numbers of very marked courage and well laid plans coupled with an element of surprise may produce for such people a victory. Other factors also may play a part. In the case which follows there was an exceptional leader who organized the revolt of the Indians very skilfully. Another factor is to be observed in this situation which often occurs when the adherents of one culture revolt against those of another — the identification of the revolution with religion. Although this revolt, like most others, was basically against economic oppression, the prominence and concreteness of ritualistic elements used as means

of enforcing obedience to the economic requirements of the ruling people, caused the Indians to substitute the religious for the more abstractly perceived economic system of the Spaniards as the chief object of their attack.[1] Among a people of a low culture the religious motivation is likely to be the stronger.

Don Juan de Oñate entered the country in 1591 with four hundred armed men, one hundred and thirty families as settlers, and a corps of Franciscan friars to convert the Indians. The natives received them as friends; the new settlers began to build and plant, and peace and plenty smiled on every hand until that disturber of the age, Spanish thirst for gold, stepped in to destroy the sweet harmony that prevailed. A keen hunt for gold and silver was now set on foot, and as mines were opened and worked the cultivation of the soil was neglected. The sacred aphorism, "The love of money is the root of all evil," was never more forcibly demonstrated than in the settlement of Spanish America.

In a few years the Spaniards assumed the prerogative of masters, and harmony between the races vanished. The Indians were forced to work in the mines; assume a form of worship they neither understood nor sympathized with; and support priests in every village. Their favorite dance, the "cachina," one of their religious rites, was interdicted; their altars removed; their "estufas" closed. No people, civilized or savage, can be touched in a tenderer spot.

At length the Indians looked upon the Spaniards as intruders and tyrants; their yoke galled, and they longed to throw it off. Several attempts were made at armed rebellion, prior to 1670, but failed; in each instance being betrayed by one of their own number, or overpowered immediately they took up arms. But failure did not dampen their ardor.

Spanish oppression reached high-water mark in 1680, and the Indians determined to bear it no longer. In that year, Popé, a distinguished San Juan Indian, who exercised a controlling influence over his brethren, combined the Pueblos against their oppressors. He had active and zealous co-laborers. Among these were Catite, a half-breed Queres Indian, Tacu of San Juan, Jaca of Taos, and Francisco of San Yldefonso. Popé traversed the country like another Peter the Hermit, and, with an eloquent tongue, pictured their wrongs to the Indians and aroused them to resistance. He told them their Great Father, and chief of all the Pueblos, he who had been their father since the flood, had commissioned him to order his countrymen to rebel against the Spaniards; that he had conversed with three departed Indian spirits in the "estufa" of Taos, Caidit, Tilim, and Tlesime, who directed him to make a rope of the palm leaf, and tie in it knots to represent the number of days before the uprising would take place, one of the oldest methods known of recording events; that he must send this rope to all the Pueblos in the kingdom, and that each one should signify their approval by untying a knot.

Popé sent the palm-leaf rope from pueblo to pueblo, as directed, by the fleetest young men, inviting all to join in the rebellion, and threatening with death those who refused. Absolute secrecy was enjoined, and a constant watch kept upon those likely to divulge the plot; and not a woman was let into the confidence of the conspirators. Popé put to death his own son-in-law, Nicholas Bua, governor of the pueblo of San Juan, who fell under his suspicion. The time fixed for the rising was the 10th of August, and the Indians looked forward to it as their day of deliverance.

[1] From W. H. H. Davis, "The Spaniards in New Mexico," *Papers of the Amer. Hist. Assn.*, III : 171–175 (1888–1889).

They had newly bent their bows, and tipped afresh their arrows to draw Spanish blood, and awaited the day with impatience.

But in spite of all their precaution treachery lurked in their own ranks, and two days before the time a couple of Tesuque Indians divulged the conspiracy to the Spanish governors. The Indians took up arms at once. That night the Pueblos nearest Santa Fé, the capital, began an indiscriminate slaughter of all Spaniards who fell into their hands, sparing neither priests, women, nor children, except a few of the handsomest maidens the warriors reserved for wives.

The rebellion burst upon the Spanish authorities before they were prepared to meet it. The settlers were called in for refuge, but many were overtaken and massacred; and the capital was put in the best possible state of defence. An infuriated body of Indians from the north and south marched against Santa Fé and surrounded it. Every effort was made to induce them to return home, but they would listen to no proposition that did not embrace the immediate evacuation of the country by the Spaniards. After a siege of ten days, and a desperate sortie by the Spaniards, the garrison and citizens withdrew from the town in the night, and marched down the river to El Paso.

The Indians took possession of Santa Fé and commenced the work of destruction. They danced, in wild delight, around the burning churches and convents, crying: "God, the Father, and Mary, the Mother, of the Spaniards are dead," and that their God alone lived. They re-established their heathen rites, with the four cardinal points of the compass as their visible church, and made offerings of flour, feathers, the seed of the meguey plant, corn, and tobacco to propitiate their deity. They then bathed in the little stream that flows by the town to cleanse themselves of Christian baptism, and ordered all baptismal names to be dropped.

Popé made a tour of the country, being received with almost regal honors; promising health and good crops to all who complied with his demands. He everywhere ordered the churches and convents burned, and the articles used in Christian worship destroyed. He entered the pueblo of Cia riding on a black mule, and dressed in full costume, with a bull's horn fastened on his head. After making a speech to the Indians, and sprinkling them with corn meal as an emblem of happiness, he and his lieutenants sat down to a sumptuous repast, drinking wine from the sacred vessels.

The heaviest vengeance fell upon the poor priests, who were generally put to death by their own flocks. The priest at Jemez was first paraded around the church on the back of a hog and beaten with sticks; then made to get down on all fours, when his cruel persecutors got on his back and lashed and spurred him until he fell dead. The priests of Acoma were stripped, tied together by a hair rope, and driven through the streets, then killed with clubs and stones, and their bodies thrown into a cave. The priests at Zuñi were dragged from their cells, stoned and then shot; while those at the distant Moqui villages, after suffering many indignities, were stoned to death. The only silver lining to this rebellion is the conduct of the Franciscan friars. They were faithful to the last, and in no instance is their flight from danger and death recorded. Such devotion to duty deserves a place in history.

After the revolutionary chiefs had finished their journey, they returned to their respective pueblos, and set at work to consolidate their newly obtained power. If the old Spanish MSS. are to be believed, some of the leaders did not long retain their power, for it is reported that both Catité and Louis Cupavo burst asunder with a report like a gun and were carried off by the Devil.

The Indians retained possession of the country for almost a quarter of a century, in spite of several attempts to reconquer it.

Making a Revolution Out of Hand. One more example of the staging of a revolution may be presented, this time from Argentina. Frequently there is no prepared attitude favorable to revolution which may be taken advantage of by leaders of a mob or by patriots, as the case may be. In this instance the people were not seeking a revolution, but political and social conditions were such that they shocked the people into revolt. The writer of this chapter knew some thirty-six years after the event the man who precipitated this revolution. He was then an attorney in Buenos Aires for some of the meat packing interests of the United States in Argentina, a rather conservative, exemplary citizen, the author of some books on the Argentine government and a former instructor in the University of Buenos Aires. He merely was the spokesman as an ardent and patriotic young man voicing the indignation of the outraged people against the corruption of their government. But, as the excerpt that follows shows, there was no adequate organization for this unexpected revolution. As a consequence, it would have been lost had it not been for the presence of a former president of the republic of unusual devotion to the cause of good government, and in some sense a hero of the people, General Rocá.[1]

Nothing in the Argentine surprised me more than the boldness and freedom with which the press attacked the government of the day and exposed its corruption. Every morning some fresh public scandal was brought to light, and ministers were arraigned for venality and incompetence. The New York press in the days of the Tweed exposures did not bristle with more vehement denunciations of official corruption than these Argentine journals. It was a singular phenomenon which could hardly fail to impress a foreign observer. The government paid no heed to these attacks. Ministers did not trouble themselves to repel charges affecting their integrity. The public was apathetic and inclined to believe that the newspapers were making a great ado about nothing. Apparently there was no political party benefiting by these assaults from an opposition press, unless there was an attempt to revive the old-time feeling of jealousy between the national capital and the confederated provinces, President Juárez being a native of Cordoba and disliked by the Porteños, or inhabitants of Buenos Aires. The attitude of the administration toward these censors and scandal-mongers was one of undisguised contempt. Ministers seemed to be asking, with cynical amusement, Tweed's old question, "What are you going to do about it?" Meanwhile, public jobbery, trading in concessions, illegal banking issues, and official immorality went on without restraint.

This wholesome criticism from an independent press had one important effect. It gave direction to public opinion in the capital, and involved the organization of the Union Cívica. If the country had not been on the verge of a financial revulsion, there might not have been the revolt against the Juárez administration in July, 1890; but with ruin and disaster confronting them, men turned against the President whose incompetence and venality would have been condoned if the times had

[1] From Isaac N. Ford, *Tropical America* (Charles Scribner's Sons, New York, 1893), pp. 116–119.

been good. The Union Cívica was founded when the government was charged with maladministration in sanctioning an illegal issue of $40,000,000 of paper money. A mass meeting held one Sunday was the largest concourse of citizens which had ever assembled in the Plate countries. A second mass-meeting involved the reorganization of the ministry, and the appointment of Dr. Uriburu as Minister of the Treasury. There was a brief interval during which futile attempts were made to introduce financial reforms, and then Dr. Uriburu became disheartened, and resigned office. Secret conferences followed between the leaders of the Union Cívica, General Campos, and several naval commanders. The government was suddenly confronted with an armed coalition of the best battalions of the army, the entire navy, and the Union Cívica.

The manifesto issued by the Revolutionary Junta was a terrible arraignment of the political crimes of the Juárez Government. Liberal institutions were declared to have disappeared. There was neither republic, nor federation, nor representative government, nor administration, nor morality. Political life had become a money-making industry. The President had taken bribes from anybody having dealings with the nation, had joined syndicates organized for vast speculations dependent upon his official influence, had amassed a fortune at the expense of the State, and had corrupted the consciences of innumerable friends. Avarice had been his inspiration, jobbery his occupation. He had debauched the administration of the nation, suppressed the representative system, and brought the country to the verge of bankruptcy. Secret emissions of currency had been authorized in order that the national bank might pay false dividends, because official speculators had bought up most of the shares. Commercial deposits and the savings of the working classes had been distributed among a circle of politicians, living in luxury and gambling with millions which were not their own. More than $50,000,000 in gold, the proceeds of the sale of public bonds deposited with the government by the new guaranteed banks, had been thrown into the whirlpool of speculation. The State railways were sold to reduce the public debt, and the funds thus secured were misapplied. The sanitary works were sold under the shadow of a colossal scandal. The guaranteed banks had exhausted their credit in false issues, and a paper currency had been illegally increased $35,000,000 when gold was quoted at 300, and $100,000,000 more paper money had been disguised under the name of mortgage bonds. These were the principal counts in the indictment framed by the Union Cívica in justification of the popular uprising against the most corrupt administration ever known in the annals of misgoverned South America.

The revolution opened with every prospect of success. It failed from the incapacity of the leaders to co-operate harmoniously. On July 19, 1890, the defection of the army was discovered. On July 26 the revolt broke out. For four days there was bloodshed without definite plan or purpose. No determined attack was made upon the government palace. The fleet opened a fantastic bombardment upon the suburbs. There was inexplicable mismanagement of the insurgent forces, and on July 29 an ignominious surrender to the government with a proclamation of general amnesty. General Rocá remained behind the scenes, apparently master of the situation, while President Juárez had fled to a place of refuge on the Rosario railway, and two factions of the army were playing at cross purposes, and the police and the volunteers of the Union Cívica were shooting women and children in the streets. Another week of hopeless confusion passed, and General Rocá announced the resignation of President Juárez and the succession of Vice-President Pellegrini. Then the city was illuminated, and for three days there was a pandemonium of popular rejoicing over a victory which nobody except General Rocá understood.

The Union Cívica assuming after its defeat the credit for a victory due to General Rocá's dexterity and common sense, became a national organization with branches in every town.

Revolutions That Prove Abortive. Not infrequently revolutions are turned aside by a strong counter opposition. The revolutionists are intimidated. They may have thought they could bluff the party in power. Or, in the sanguine spirit of their first response to anger or to skilful propaganda, they may have been overconfident, only to recognize the impossibility of the task as the hour of action approached. Possibly some one of the leaders lacks courage or is a better talker than planner and at the last moment the revolutionists discover that they lack effective plans or able and courageous leaders. Some such difficulties appear to have been at the bottom of the failure of the English Chartist revolution to materialize as described in the following passage. Possibly the Chartists were as much overawed by the "Iron Duke" as Lord Justice Campbell was flattered at being noticed by him. It will be interesting to compare this analysis of the Chartist revolt with the one which follows immediately thereafter. It will be easy to detect the difference in points of view of the two narrators. However, it is evident from both that the revolutionists were not adequately prepared. Lord Campbell's account, taken from letters to his brother written at the time, follows.[1]

[*April 9, 1848*]. . . . This may be the last time I write to you before the Republic is established. I have no serious fears of revolution, but there may very likely be bloodshed.

I have had some recompense for my anxiety in a scene I witnessed yesterday. Of this I can give you some notion without disclosing State secrets, but I would not have the matter mentioned by you to anyone. We were considering in the Cabinet how the Chartists should be dealt with, and when it was determined that the procession should be stopped after it had moved, we agreed that the particular place where it should be stopped was purely a military question. The Duke of Wellington was requested to come to us, which he did very readily. We had then a regular Council of War, as upon the eve of a great battle. We examined maps and returns and information of the movements of the enemy. After long deliberation, plans of attack and defence were formed to meet every contingency. The quickness, intelligence, and decision which the Duke displayed were very striking, and he inspired us all with perfect confidence by the dispositions which he prescribed.

There are now above 7,000 regular troops in London, besides a train of artillery. The special constables, as you will see, are countless. We are most afraid of disturbances after the procession is dispersed, and of the town being set fire to in the night. There are in London a number of foreigners of the most desperate character. It was not I alone, who was struck with the consultation yesterday. Macaulay said to me that he considered it the most interesting spectacle he had ever witnessed, and that he should remember it to his dying day.

[1] Adapted from the Hon. Mrs. Hardcastle, *Life of John, Lord Campbell*, 1881, pp. 236–239.

[*April 10, 1848*]. . . . The Duke's prophecy uttered on Thursday will turn out to be true. Cottenham and I resolved to meet our fate like the ancient senators of Rome from the barbarians, and we assembled to-day at the usual hour to hear Scotch appeals. Walking from Stratheden House, I found all the gates of Hyde Park closed, and the metropolis in a state of great excitement. We proceeded very calmly to business, although we heard of large bodies marching to Kensington, and that by twelve o'clock there were above 50,000 assembled there.

The Attorney-General told me that the Chartist leaders had been with Sir George Grey early in the morning, offering to abandon the procession to Westminster if they were allowed to march across Blackfriars Bridge to Islington, where they were to disperse, and that he had very properly intimated that none of them would be permitted to return from Kensington in procession across the Thames. I therefore thought that a conflict at the bridges was inevitable. But the next news was that the Chartists were all dispersing; and our librarian, who had been on the ground as a scout, arrived after hearing and seeing Feargus O'Connor implore them to abandon the procession, which they had agreed to do.

For the last half-hour Westminster Bridge has been open to them, and they have been peaceably crossing in small numbers at a time. Feargus is to present the petition at five o'clock, attended by ten persons.

This result is certainly a great relief to my mind, as a frightful shedding of blood might have been necessary to restore tranquillity.

From the beginning, and before I heard any military opinion, I was clear that the Chartists ought not to be allowed to march through Westminster as they proposed, but that it would be dangerous to attempt to prevent them from assembling on Kensington Common or beginning the procession, and that they should be stopped *coute que coute* at any bridge which they might attempt to force.

The arrangements of the Government are excellent. George Grey has all the merit of them. It is very lucky that at such a time the office of Home Secretary is filled by so able a man.

But we must not halloo till we are out of the wood. There is still great danger of disturbances both in London and the provinces. We know by the electric telegraph, of which the Government has assumed the exclusive use, that the Chartists have met to-day in immense numbers at Manchester, armed and ready to act upon receiving news that London was in possession of O'Connor.

I do not remember whether I told you yesterday that the object of taking the direction of the electric telegraph was to prevent false intelligence being sent to the great towns in England and to Ireland.

In Ireland the stopping of the procession must have a very good effect, and the notion, pretty prevalent on the Continent, that we were on the eve of revolution, will be checked, to the great mortification of those who hoped that we should be involved in the general ruin. . . .

[*April 11, 1848*]. . . . We are in a state of the most perfect tranquillity to-day, and the Chartists are so cowed and disheartened that we shall be quiet for some time.

The fine thing yesterday was when the Duke came to the House of Lords. I went up to him and said, "Well, Duke, it has all turned out as you foretold." *Duke.* "Oh, yes, I was sure of it, and I never showed a soldier or a musket. But I was ready. I could have stopped them wherever you liked, and if they had been armed it would have been all the same." *Campbell.* "They say they are to meet next on the north side of the town and avoid the bridges." *Duke.* "Every street can be made a bridge: I can stop them anywhere." *Campbell.* "If your Grace had

commanded Paris on the 25th of February, Louis Philippe would still have been on the throne." *Duke.* "It would have been an easy matter. I should have made the Tuileries secure, and have kept my communications open." Then, *more suo*, laying hold of my arm and speaking very loud, and pointing with his finger, he added, "Always keep your communication open and you need have nothing to fear." This reminds me of the striking speech he made on the Afghan disasters, which he entirely ascribed to our General not *keeping his communications open.*

Various other peers afterwards offered the Duke their congratulations, and he looked so much delighted that I really believe he was not more pleased the day after the battle of Waterloo. No one was more rejoiced that the affair went off without bloodshed.

Lord Lansdowne told me he had yesterday seen Guizot, who was lost in admiration at the manner in which the inhabitants of London had conducted themselves. There must be deep disappointment to-day in Paris. I am just going to a Cabinet. We shall be more light-hearted than when we assembled at Lord John's on Sunday evening.

Difficulties Arising in the Course of Revolutions. Revolutions once entered upon have somehow to be carried through or lost. More are lost than won. A revolution is nearly always an uphill fight. Rarely can all of the difficulties in the way of a successful issue be foreseen. The party in power nearly always has the advantage in troops, munitions, supplies, leaders, forts, and numerous other factors, including organization, discipline, and morale. Also, some of those who have pledged themselves to the revolution are almost certain to desert the cause. The lack of discipline and the existence of a multitude of conflicting motives and jealousies always tend to weaken morale and sometimes even to threaten the success of the cause. Such difficulties had to be contended with in the circumstances recorded in the following passage also descriptive, from another point of view, of the revolt of the Chartists.[1]

The Chartists were chiefly laboring men, dwelling in cities and towns. They justly expected countenance and aid from liberal Whigs who had protested against the aristocratic features of the Reform bill. They received neither. The cause of national representation was regarded as only the poor man's question, and as such it was left exclusively to the poor. The poor, thus abandoned to fight the battle single-handed and alone, nourished a fatal resentment against all above them. Far-sighted and pure-minded men among them urged the superiority of intellectual and moral means over brute force, in promoting their objects. Keen-eyed demagogues were not wanting to fan their resentment, and remind them that in their swart arms dwelt the physical strength of the country. Deprived of political power (for the great majority were non-voters), the mass lent a greedy ear to these wily counselors. Chartism being a knife-and-fork question to the laboring poor, starving men were easily induced to seize the pike and the torch under a promise of bread. Preparations for a rising were made. It was attempted in 1839. A few riots occurred, a few houses were gutted, a few wheat-ricks fired, a few cart-mares shot, and some human blood shed. The vengeance of the Government descended

[1] From Henry B. Stanton, *Sketches of Reforms and Reformers*, 1849, pp. 305–306.

upon the deluded men; the military crushed the embryo insurrection; the courts imprisoned and transported the leaders; the noble principles of the Charter were involved in the stigma which fastened upon a portion of its advocates; the middle classes, who might have averted the disaster, were, for a season, frightened into a renunciation of the principles they had maintained during the discussions on the Reform Bill. A similar outbreak, stimulated by similar causes, and followed by similar consequences, occurred in 1842.

Governmental vengeance fell alike on the men of peace and the men of violence. Feargus O'Connor, a hot-headed bully and coward, who had stigmatized the pacific doctrines as "moral-force humbuggery," was sent to York Castle. William Lovett and John Collins, two noble specimens of the working classes, spent a year in Warwick jail. The young and brilliant Henry Vincent was lodged in a dungeon two years, for making the Welsh mountaineers "discontented with the Government." J. Bronterre O'Brien, a legitimate son of the land of Emmett, suffered twelve months in Lancaster Castle. Thomas Cooper, who dropped the awl, took up the pen, and wrote the celebrated poem, "The Purgatory of Suicides," was imprisoned two years and a quarter in Stafford jail. Other less conspicuous persons were incarcerated at home, or banished beyond the seas.

Compromise and Concession. A revolt is sometimes averted by a compromise or a concession, but their effectiveness depends in large measure upon being offered or effected at an early stage, before the revolt has actually started. A concession granted sufficiently early may inspire gratitude and be taken as an evidence of good will, and thus actually strengthen the power and influence of the institution against which the revolt is planned. The time for a successful compromise is always before a decisive trial of strength between the two parties has been made. In the case of both compromise and concession, there should not be a delay until deep bitterness is engendered. Otherwise, the result is little more than a truce. If a trial of strength is made and the compromise or concession has been forced, there is almost certain to be a feeling on one side or the other that it has been cheated by the arrangement. Such a feeling is but a challenge to renewed hostilities and new aggressions or withdrawals of privileges. Something like this situation had been allowed to develop when at the eleventh hour, in the summer of 1848, Louis Philippe dismissed his able but unpopular minister, Guizot, after the revolutionists had occupied the square in front of the government palace and were on the point of taking the palace itself by storm. A clever young American eyewitness tells the story that follows somewhat in imitation of the manner of Carlyle in his *French Revolution*.[1]

Guizot's troops have bivouacked in open square. His hotel has been hedged, and occupied by Companies Municipal, and Companies of Line. The faubourgs have been the night-long in a fevered ferment. Talk has waged angrily in all corner

[1] From Donald G. Mitchell (Ik Marvel), *The Battle Summer* (Charles Scribner, New York, 1849), pp. 32–34.

wine shops. *Reforme* newspaper men have not slept. There have been Bourgeois strangers in the faubourgs this night; and there have been resolves made, and clinched with wild oaths, which Thiers and Barrot do not know of — which they would be glad to know.

Barricades are set up, and torn down; the rain is falling in torrents; musketry is cracking from hour to hour, in single volleys.

As yet, however, with all B urgeois, all bank-men, all traders, all fathers of families, all in short, who dread uproar, and who tremble at the sight of red flag — all, or most of National Guardsmen, who do not love to quit their bureau of Commerce, the cry is still simply, — Down with Guizot!

The Rappel is beaten in every quarter, at the first blush of morning: but these new-flocking Guards National will not defend the Ministry; they will not suffer — depend upon it, Guizot! — men, women, and children, who cry "*à bas le ministère*," to be shot down, like whistling thrushes.

Away they go, marching bands of Bourgeois, in dress of Civic Guard, not to disperse the early gathered throngs on the Boulevard, and place of Bastille, but only to mingle their cry, with cry of others, making it come hoarser, and heavier to the Palace — Down with Guizot!

And this stern Guizot, with the lines now a trifle longer in his forehead, enters the Cabinet of the King, and says; —

— Sire, the Guard fraternize with the people; the soldiers refuse to fire upon the Guard: I must resign.

And away goes the fallen minister to the Chamber of Deputies.

— The King has sent — says he — for M. le Comte Molé to form a new cabinet. And a shout of — bravo! — bursts through the whole Chamber. Will that bravo quiet the waves of sedition, that are rocking heavily around the city?

The rumor runs — the Ministry is fallen.

National Guards are satisfied; shopmen open shops; even Reformers are quiet; the People seem disposed to accept the omen, and chant in chorus unbroken, a good-humored Marseillaise.

As the night approaches, window, balcon, door, frieze, roof are dancing with glittering lights. The *gamin* enchanted chant — *des lampions!* and chiffoniers pick their two days cleanings without ever a lantern.

Guizot is down.

Blunders May Prolong Revolutions. But this was not the end of the matter. Nervous officers with poor judgment committed one of those fatal mistakes (already illustrated in connection with the Russian revolution discussed earlier in this chapter) which sometimes change the course of history, mere sparks lighting great revolutionary fires that cannot be extinguished until they have run their course. Unnecessary violence, an unguarded or injudicious show of anger, an overbearing personality, an exercise of arbitrary power, or even an unguarded display of nervousness or fear, on such an occasion may very easily set off the highly tensed muscles and emotions of a crowd or an army and bring on a conflict that almost everyone wishes to avoid. This is as true of tense diplomatic situations as it is of armed bodies or antagonistic crowds facing each other in the open, as the history of recent wars, brought to a focus in the governmental chancelleries, testify.

In this case, the accident described below, if such it was, gave mortal offense to the people who had already tasted their power. The ease with which they had gained the removal of Guizot and the bitterness they felt because they had so long had to endure his reactionary policies combined to encourage them, in their moment of rage, to renew the struggle with greater vehemence and to demand the removal of the king himself. We shall allow the author of *The Battle Summer* to tell the story in his own language.[1]

> Varying accounts will go down to History, as Historians may side with the People in blouse, or the People, who for the time, wore disguise of Soldiery.
>
> Certain it is, that a column from far away, by black bronze shaft of Bastille, clad most of them in working blue-shirts — some with swords, some with sticks, some with blazing torches, and all chanting lively, liberty-praising choruses, did sweep down, swift, and threateningly between rows of blazing tapers, along the stately Boulevard: — certain it is, that many kindled by the chant, and torch-light, joined voices to the chorus, and swelled the roaring column. So they passed, rolling, a wavy, tortuous, shining, shouting stream — not stopping, until the breasts of the foremost, were upon the muskets of two hundred soldiers in steady line.
>
> They asked for passage; the office of the detachment refused. The hindermost push up; the soldiers grow alarmed. The officer draws his sword. A gun is discharged. The horse of the officer sways under him: he gives the fatal command — — and French Royalty falls, in the lives of fifty, that Royalty had sworn to defend. Now, Republicans may shout, and Reformists may tremble.
>
> The tide has leaped the barrier.

The Revolution Does Not End with the Fighting. And thus the revolution, which had been averted, has now broken out anew. This time it is in earnest and the King himself is deposed. A republic is set up. But, alas! the people cannot govern themselves. The monarchists, the Napoleonists, the clericals, all of those who dread and hate the rule of the people, see to that. So Louis Napoleon stages another revolution — a counter-revolution — using fraud and intimidation in the elections and in the government generally. Force and fraud are the order of the day. It is not uncommon for a revolution to succeed in its stages of violence only to fail in the later stage of legislative and administrative reconstruction. In fact it is doubtful if any violent political revolution in history has been a permanent and unqualified final success in this latter aspect. The French Revolution, the German Revolution of 1918, both failed within a decade or a little more, because the people and their leaders were incapable of carrying the revolution through its civic and reconstructive phase.

The same was true of the Juárez revolution in Mexico against the imperialist regime of the aristocrats in the middle of the nineteenth

[1] *Op. cit.*, pp. 35–36.

century. The people had been dispossessed of their lands and of the civic rights which they understood the revolt against Spain should have given them.

Finally the people found a leader of their own kind and race in Benito Juárez, the intelligent Indian. Under Juárez they revolted and fought and achieved victory and set up a government of their own. At least they believed it to be their own. It gave them a liberal constitution and abolished slavery. But it did not restore their land. That was a task beyond the power of Juárez and the other revolutionists to accomplish. When his successor, Porfirio Diaz, also a revolutionist and a general under Juárez, came into power he helped the aristocrats and the other exploiters to get more of the public domain into their hands and he in effect restored slavery through the peonage system. Conditions became as bad as ever, or even worse. So a new revolution had to be made in 1910 — nearly fifty years after the Juárez revolution — again to set the people free. But the Madero government, the product of this new revolution, also failed to carry through successfully into the civic reconstruction stage. The people did not get back their land or escape from peonage. The same story must be told of the revolution of 1917 under Carranza, and of the later revolutions or administrations of Obregon, Calles, and their successors. In 1934 I travelled all through northern and central Mexico and everywhere I heard the people say that the revolution had failed. They wondered what the newly inaugurated president Cárdenas would do. They were not very hopeful. But, nearly thirty years after the revolution of 1910 and approximately seventy-five years after the Juárez revolution, Cárdenas has attempted to carry the revolution to its logical civic conclusion. Whether the people will and can support him fully in this endeavor cannot at this writing (1939) be determined.

Why Successful Revolutions Fail. But why do revolutions that are successful in their spectacular military aspects almost universally fail when it comes to completing them in their civic aspects? Because the art of making a revolution, like that of getting elected to office, is very different from the technique of governing. The latter is much more difficult and requires quite another sort of personality, aims, and enthusiasm. To govern well, a ruler or a sovereign people must have knowledge, sobriety and poise of temperament, and fundamental honesty and wise social programs. To win a revolution or get elected to office the leader must have enthusiasm, be a good promiser and politician or a good general, but he need be neither wise in the wider civic sense, nor honest, nor public spirited. The masses of the people who revolt against a social order, however oppressive it may be, rarely understand social problems in any fundamental way or have mastered

the art of self-government. If they knew how to govern themselves most revolutions would be unnecessary, at least in modern republican states; for why should a people revolt against themselves? Demagogues and dictators are always present to buy the people's birthright with fair promises or to intimidate and cajole them into compliance, and thus the first act of the revolution ends and the second act is ushered on the stage. Such indeed was the case with the Juárez revolution in Mexico; and such as we have seen was the fate of the Madero and other revolutions in the same country.

Two factors practically always prevent the second or civic stage of the revolution from being as successful as the first or military and intrigue (coup) stage. And these causal factors work together and in close cooperation. The first is the ineptitude of the new government set up by the revolutionists. This was true of the several governments instituted after the French revolution of 1789. The members knew only how to fight, to agitate, to struggle among themselves. Finally, Napoleon, realizing their incapacity to rule constructively, overthrew the Directory and the counter-revolution was on. Likewise, when Madero came to the presidential chair in Mexico in 1910 he had no experience in government. Neither had his revolutionary associates. He must have men of experience to guide him. These were to be had only among the "old guard" whom he had ousted. Thus he called back into office the very men he had thrown out of office. It was not long before their policies, rather than those of the revolution, were being put into effect. When finally he saw how the revolution was being betrayed by these men and endeavored to check the betrayal, they assassinated him. When the German republic was established after the War of 1914–1918, and a saddle-maker was elected president and he was surrounded at first by equally inexperienced revolutionists, exactly the same process in general, differing only in details, was re-enacted. Bureaucrats were called in to carry on the details of the government. They saw to it that the conduct of the new government from day to day was, as far as possible, the same as that of the old government. Even new policies of carrying the principles of the revolution into practical effect were blocked and perverted. The revolutionists had a paper constitution, like those of Mexico, but they had no effective government to put the constitution into effect. As a result, both the radicals and the reactionaries were dissatisfied. First the communists revolted and were repressed, and then the monarchists had their putsch, which also failed. But the government had no ardent friends, except among the still less experienced people. Its own subordinates hamstrung it; it was weak and vacillating, without decision and power. Finally, opposition and dissatisfaction grew, until in 1933

Hitler came into power, and the counter-revolution was on with a vengeance. The revolution had failed in its most vital part, the carrying of its principles into practical effect.

Minor Political Revolutions. Some of the revolutions are of course only palace episodes, or, as the writer quoted below says, opening stages of political campaigns. No fundamental principle is at stake. Some other leader simply has captured the power for the time being and will mortgage the country for his selfish ends or exploit and oppress the people until he too is turned out by a worse or a better man. All such revolutionary leaders promise prosperity, or graft, or something, but they rarely deliver anything to the people but trouble. The history of the Roman Empire provides a multiplicity of illustrations of this very sort. And so does the history of Latin America. In the same class with this type of minor political revolutions of the palace or campaign variety are various other forms of riots and demonstrations of violence. As a matter of fact, palace revolutions may involve riots, and sometimes a riot — as in the case in part of the revolution of 1848 described above — may eventuate into a palace revolution or even into a national major revolution. There is one significant difference, however; and that lies in the fact that riots are usually immediately economic, racial, or religious, in their background and motivation, while the palace revolutions are usually immediately political, that is, contests for the control of the governing power. Yet back of this political contest in most cases lies a more or less hidden struggle of factions seeking for themselves economic privileges of one sort or another. The intrigues of North American capitalists, seeking economic concessions in weak Latin American countries, have frequently stimulated revolt and the conquest of power by the friendly factions financed by the capitalists. Economic causes seem to underlie palace revolutions in all countries, where no major social and political principles are involved, and sometimes those revolutions where such principles are in dispute. Further elucidation and illustration of the palace type of revolution may be found in the following passage.[1]

> It is not improbable that the political condition of these States would be greatly improved, if the armies were recruited and rendered more efficient. When the military force is weak, it does not serve the useful purpose of maintaining public order and preventing the outbreak of civil war. It is swayed by every breath of intrigue, and is ordinarily reorganized before a general election, when its services are required for controlling the choice of a President. Every one of the five countries [of Central America] is constantly menaced with political disturbance and open revolt. When 700 raw soldiers form the standing army of a State like Costa Rica, cabals are inevitably organized and revolutions frequently occur, since it is practicable for intriguers with comparatively small financial outlay to muster a force equally

[1] From Isaac N. Ford, *Tropical America* (Charles Scribner's Sons, New York, 1893), pp. 385–387.

strong. A good deal of what is known as treason in Central America would be more properly classed as political campaigning. An ambitious Cabinet Minister is anxious to become President, and is baffled by Executive disfavor. In order to keep himself before the public, and to demonstrate his growing importance, he heads a revolt against the government. A little powder is burned and considerable excitement is caused. It is a political campaign that is opened. While the chances of revolutionary intrigue are multiplied under feeble and inefficient military organization, the horrors of war are materially diminished. A revolt in Costa Rica implies an attempt on the part of scheming politicians to overthrow the President by arming 200 or 400 men and taking a standing army of 700 men by surprise. These revolutions are not attended with much bloodshed, and are not to be regarded as very serious affairs. If the standing armies were larger and under better discipline, there would be fewer political manoeuvres of this sort.

General Barrundia was a revolutionist of this type. He had been Secretary of War, and aspired to be President of Guatemala; but those in power had plans of their own, and drove him into exile. Then he had recourse to tactics which are constantly employed in Central America. He sought to advance his political prospects by organizing a revolutionary movement. Taking advantage of the state of war between Salvador and Guatemala, he headed an unsuccessful invasion from Mexican territory. His subsequent tragical end on the steamer *Acapulco* in Guatemalan waters was caused by the connivance and cooperation of the American Minister in an attempt to hand him over to the mercies of his political enemies. While I was on the West Coast the report of the Guatemalan Minister of Foreign Affairs on the Barrundia affair was received. He took pains to disavow having threatened to attack and sink the *Acapulco*, if the surrender of the passenger were refused, and demonstrated that it would have been impossible for the authorities to injure the vessel even if they had meditated an attack, since there was not at the port of San José a single piece of artillery of any description, with the exception of a little toy cannon, which for many years had done service in the way of firing salutes. This official confession of the weakness of the coast defences served to corroborate a statement made to me in all seriousness by an American resident prominently connected with the life-insurance interests of New York. He declared that the captain of the *Acapulco* could have successfully defended his ship against any assault from shore by calling his chief cook to his aid. With a few pans of boiling water from the galley the Guatemalan officers could have been beaten back to their boats, if they had attempted to board the vessel without the consent of the commander.

The "Cure" of Revolutions. Revolutions are essentially abnormal phenomena, in spite of the fact that sometimes they are inevitable, or even desirable under the existing circumstances. Nevertheless they often mark a positive advance in the history of civilization. But in such cases they accomplish a necessary result in an uneconomical and in an undesirable way. No social control should be achieved by force which can be accomplished by means of rational methods. But men are slow to use their rational processes. They are much more prone to react emotionally and violently. Perhaps, when the social sciences are better developed, they will be able to tell us how to achieve necessary social change without violence. And perhaps also when men have

learned to respect and utilize the social sciences more adequately they will gladly and fruitfully employ this knowledge. At the present time, strange as it may seem, the favorite method of averting revolutions appears to be to amuse the people as a child is diverted with a pacifier. Sometimes it is liquor or prize fights, circuses or baseball, that is employed for this purpose. And sometimes it is political toys and trinkets that are given to the people. Although the passage from the *Nation* quoted below was written half in jest, it illustrates this erroneous principle perfectly.

The better and sounder method of averting revolutions — and perhaps the one ultimately to be employed, in some future more perfect age of humanity — is to study the needs of society (including all the people) and to work out scientifically methods of satisfying these requirements of social welfare. Sooner or later we must come to the stage of civilization in which we shall demand and achieve a planned society, just as we plan other aspects of our social life that are less important. But we cannot attain adequately such a planned social organization and administration until we have perfected the social sciences to a much greater extent than we have done so far. The true road to the abolition of revolutions lies through the stimulation of the social sciences and their application to the solution of social problems. It must take the form of a long-time fundamental civic reconstruction of society leading to social justice. It cannot be accomplished by the use of palliatives and "tricks," such as those mentioned below.[1]

The Woolworth tower in New York City is one of the shrines of America. As a skyscraper it has been surpassed. As a symbol it remains unsuperseded — for there is certainly no more typical manifestation of American mass production than F. W. Woolworth's 5 and 10 cent Store. It is, for one thing, indispensable as a safety valve for a people whose desire to buy is overstimulated by national advertising only to be thwarted by the lack of money. But aside from the fact that it provides useful or amusing or popular merchandise at convenient prices, it provides in its own way hyacinths to feed the soul — and if the hyacinths are artificial (except at special spring sales), they will last longer anyway. There is hardly an American alive above the age of six who has not experienced the sense of power obtainable in any ten-cent store. Millions know the thrill of driving a more or less powerful car at a speed no king of old could command, but the cheapest of second-hand cars costs more than a dollar, or ten times the mere thin dime with which the lowliest citizen can walk with confidence among the glittering counters of Mr. Woolworth.

When Henry Ford discarded Model T and introduced a civilized Model A at a startlingly low price, it was said, more in earnest than in jest, that he had set back the revolution twenty-five years. It is possible that Woolworth's may prevent it altogether. Have the Communists reckoned on this foe? Within the garishly painted "cells" of the Woolworth counter-revolution — and they honeycomb the

[1] From *The Nation*, CXXXV : 332 (October 12, 1932).

country — the economic under-dog is not only able to feel superior in the knowledge that he can carry off anything in the place for ten cents; he is able to buy, in minute quantities, the very products, exclusive and expensive, which are patronized by the rich. Has Paris perfected a new and dazzling lipstick? The anemic girl-child who leans all day over a factory sewing-machine for $10 a week can buy at Woolworth's Paris lips as erotic and alluring as any debutante's — and she would rather be a debutante than a revolutionist. Is there a new and dashing cocktail glass in the best shops? Woolworth's will have it next week, in a cheaper but just as dashing edition. And so it goes with soap and the classics, with leather goods and lace.

The Drifter notes that Woolworth's profits have not decreased since the depression began. They have, if he remembers correctly, grown even larger. It could hardly be otherwise, when one considers the great increase in economic under-dogs since 1929. But the Drifter is very doubtful of the wisdom of the new Woolworth policy, which was probably inspired by overconfidence. He means the increase of the top price to twenty cents. That historic sign, "Nothing in this store over ten cents," has been hauled down, and while the Drifter is amused to see evergreen shrubs for sale at twenty cents that are just as perky but not so large as the two-dollar ones down the street, he wonders if the revolution is not advanced by just that difference between ten and twenty cents.

Social Justice as a Substitute for Revolution. But if the social sciences are to avert revolution, they must have a method of application to the solution of problems of social justice. This application of the social sciences to social justice and welfare may be made, theoretically at least, through legislation. The courts constitute another avenue through which the findings of the social sciences may be utilized, but the courts do not usually take cognizance of the data of the social sciences unless they have first been embodied in legislation. The administrative side of government likewise pays little heed directly to the social sciences, unless they make contributions to administrative efficiency, and not always even then. Consequently the chief and almost exclusive task of applying the findings of the social sciences to social justice and welfare falls upon legislation.

In a later chapter considerable material on repressive legislation will be presented with the purpose of showing that repression is the wrong sort of legislative control. It is not generally effective even in preventing revolutions, although it may sometimes delay and hamper them. Legislation should, in so far as is possible, be positive rather than negative when used as a preventive force or influence. The control of collectivities is in this respect not unlike the management of individual personalities. Both usually react negatively and unfavorably to negative and repressive controls. Positive controls are much more likely to stimulate a friendly and sympathetic response of a cooperative character. When reformative legislation is invoked in the name of social justice we have the best possible antidote to revolution. That

this principle applies also to the control of political and social radicals, who foment the revolutions and who usually have a just grievance of some sort, as well as to other types of persons, is recognized by the writer of the following editorial.[1]

> How can Communism best be combatted? Various methods are being used in various countries. The Fascist dictatorships impose imprisonment, torture and even death sentences on radical spokesmen. In democracies, they are often barred from the public forum, sometimes unofficially flogged, constantly made the subject of denunciatory preachments.
>
> The Canadian Government has a method of meeting the Communist challenge that differs from all these. According to the policy just laid down by official spokesmen, it will attack the causes of discontent, not its manifestations. "Communism is a bad seed which grows in the depths of misery and distress," says Minister of Justice Lapointe. "Communism cannot spread when business is good. Our struggle is against exploitation of poverty." Canada's Government, therefore, will fight the "Red menace" by steps to serve the happiness and prosperity of the people instead of launching a crusade against agitators.
>
> It is a sound prescription. A wise physician seeks to remove the cause of a disease, not to cover up the symptoms. Contented workers, earning enough to maintain a comfortable standard of living, are the best bulwarks against radicalism.

There are, of course, all kinds and degrees of radicalism. The author of the above statement evidently had in mind violent, irresponsible, doctrinaire, impractical radicalism. Intelligent and fair minded people do not condemn policies and programs merely because conservatives and reactionaries have pronounced them "radical." Every "radical" proposal should be considered on its own intrinsic merits and not on the basis of intimidatory name-calling.

Successful Revolutions. Sometimes revolutions are successful all the way through, from beginning to end, even in the more permanent sense of ultimate constructive civic reform following the unseating of the old government and social order. They not only succeed in overturning the existing government, which presumably is unjust or corrupt, or both, but they are successful in building up a better social order, which is essentially permanent, to replace the old political and social system that was overthrown. This first stage in the revolution — the overthrow of the old government — is, as we have seen, relatively unimportant, although in itself indispensable to the true success of a revolution. It is a necessary step where a government or a class entrenched in power contrary to the wishes of the majority refuses to accept or promulgate reforms that the people pretty generally demand; but if the revolution is incapable of going beyond this step and cannot establish a constructive parliamentary or administrative regime to replace the old political order, the revolution as a whole and in the

[1] From the St. Louis *Post-Dispatch*, January 19, 1937.

best sense has failed. It is here that the Madero revolution of 1910 in Mexico and the French Revolution of 1789 were unable to achieve the results that alone were adequate to make of these revolutions a success. But few of the revolutions of history have succeeded in this fuller and completer reconstructive parliamentary sense. It takes time and the political facility that comes from a long period of training in the calmer aspects of civic experience to render the revolters against a social and governmental system capable of carrying the revolution through to its final stages of reconstructive success. The Cromwellian revolution of the sixteen-forties was compelled to wait for the revolution of 1688 for its constructive completion. The American revolution of 1776 was more successful, but even it developed only gradually in its civic aspects. A stable government was not established until nearly a decade after independence was achieved. The Spanish-American revolutions of 1810 to 1910 all failed at this point in greater or less degree.

Perhaps, with a wider knowledge of the social sciences in general and of legislation and political administration in particular, the revolutionists of the future may be able to carry through their revolutions successfully from the active revolt stage into that of the constructive legislative and administrative stage without unseemly hitches. Thus revolution itself may become a more respectable and promising mode of social evolution in the future than it has been in the past. The Russian revolution of 1917 appears to have established itself with increasing security through the years since the overthrow of the Tsarist regime, and the Mexican revolution also seems recently to be more successful and constructive than it was in its earlier years.

Factors in the Success of Revolutions. In both the cases mentioned in the preceding paragraph the most decisive factors in carrying the revolution successfully into its higher stages appear to be three in number. First, is the education of the people. This was also a marked factor in the success of our own revolution of 1775. This education takes on several forms, including general enlightenment, training in the understanding of social questions, and especially inculcation of the fundamental aims and objectives of the revolution. Both Russia and Mexico have been very active in these educative processes. A second important factor in the complete success of a revolution is the existence of a sympathetic, protective, powerful leadership during the critical after-period of the revolution. The Russian revolution of 1917 had this advantage in the person of Lenin. The United States found such leadership in Jefferson, and Madison, and later in Jackson, Lincoln, and Theodore Roosevelt. This type of leadership was inadequate in the Mexican presidents Madero and Carranza, although their intentions

seemed good enough. In Cárdenas the revolutionary leadership was better. The third most important factor in the civic success of a revolution appears to be a sufficient degree of isolation from outside interference through the critical period of reorganization after the fighting is over. It has been the experience of practically all revolutionary governments that they are attacked from the outside where this is possible. The ruling powers of other countries still under the control of older social and governmental systems sense keenly the danger to themselves of a successful revolution in an adjoining country. Consequently they usually endeavor to cooperate with the reactionary forces within the revolutionary country in trying to repress or crush it. This double attack from outside and inside of course produces a terrific strain upon the inexperienced revolutionary party and its government, and often results in its failure. Such attacks were launched against the French Revolution and finally overcame it. The same tactics were tried by the west European powers against revolutionary Russia after 1917, but the country was so vast and the difficulties so great that they failed. The United States also enjoyed to a considerable extent the protective isolation of distance after the war of 1775–1781. Mexico has had the advantage of the isolating effect of the Monroe Doctrine and a relatively unaggressive neighbor in the case of the United States.

Counter-Revolution. In discussing the control processes of revolutionary movements we have had occasion to refer now and then to counter-revolutions. The counter-revolution is a more or less conscious and planned attempt to control the processes and nullify or mitigate the effects of a revolution after it has occurred, just as the armed resistance of the government or social class in power is an attempt to control and prevent the revolution before it is accomplished. The latter form of counter attack upon revolution does not require discussion here, because on its violent side it is not essentially different from the general aspects of war already covered in an earlier chapter. In its political and intriguing aspects it employs much the same techniques as have been described in the chapters dealing with control through various propaganda and covert political devices. The counter-revolution also may of course utilize all of these devices, upon occasion, including force, intimidation, fraud, propaganda, and even rational appeal.

The counter-revolution is of practically universal occurrence following a successful or partly successful revolution. At first, the revolution dissipates the unity and effective organization of the old order formerly in control. But after a time the adherents of the old order, if they are not destroyed — and it is practically impossible to kill and exile all of them — begin to reintegrate their forces and to stage, or attempt to stage, a comeback. This may be done in a number of ways. They

may themselves carry out a new revolution by means of violence, if the revolutionary government is weak or has disappointed the people in the manner described above. If the original revolution has been pretty complete, the armed attack may come from the outside, as in the case of the French and Russian counter-revolutions in their early stages. Or, again, the counter-revolution may take on the insidious form of corrupting the revolutionary government from the inside, as described in the case of the Madero Mexican and the German revolutionary governments referred to above. Another method by which the counter-revolution is brought about is through a professed friend of the revolution, not a member of the old ruling class, who takes advantage of the unpopularity of the existing inadequate revolutionary government and, as the friend of the people, raises himself into power. This type of counter-revolution usually assumes the form of a dictatorship which professes to save the nation. When these dictators get into power they nearly always counteract most of the gains of the revolution and return the social system toward its pre-revolutionary condition. This is true whether the revolution has been political, social, or intellectual. This type of counter-revolution is well illustrated by the achievements of Napoleon I and Hitler.

Finally, it may be pointed out that most counter-revolutions are not as reactionary as was the pre-revolutionary system. Sometimes, however, they are. Such was the case perhaps with the counter-revolution which placed Louis XVIII and Charles X on the throne of France. But usually the counter-revolution makes profession of a good many reforms, largely perhaps as a device to win over the support of the people, and actually carries out some of these reforms. Both Napoleon I and Hitler instituted some of the reforms they professed, while they made many reactionary returns toward the old system to conciliate the conservative interests. Loyola's counter reformation in support of the Catholic Church also made a number of reforms in that organization.

The Modern Trends of Revolutions. On the whole, it seems that revolutions have become increasingly numerous with the passage of historic time. In the present age revolution has grown to be fairly frequent. The explanation of this fact seems to be that larger bodies of people, and especially of the lower orders of society, have developed social self-consciousness and are prepared through organization and other resources to make insistent demands for what they consider their rights. Populations are now more dynamic and less custom-bound than formerly. It is more difficult to make the masses stay put in the social order in which they have been placed. They are no longer satisfied to be without what they consider their fair share of power and economic resources and privileges.

Also, the character of revolutions is changing. They are perhaps more likely to be political and economic than formerly, due to the increasing political competence of the people and their more adequate economic understanding. Also revolutions, especially of the non-political types, appear to resort less to force, perhaps because knowledge of and opportunity for the employment of parliamentary and other peaceful methods of procedure have increased with the education of the masses; but when violence is resorted to it is usually more terrific, in keeping with the increase in military destructiveness. Personal cruelty is perhaps less marked in modern revolutions, but destruction of life and of property is decidedly greater and more ruthless because of the greater effectiveness of modern warlike instruments and impersonal military methods. Perhaps also modern revolutions are more destructive of fundamental social alliances and allegiances and principles, since they are waged not alone by means of arms, but also by means of propaganda and political trading. It is true that in earlier revolutions the leaders, as in the case of Constantine's switch to Christianity, pledged their followers without consulting their theoretical preferences. But the power of the leader to modify popular opinion was really not very great. Conditioning to old views was local and personal, and strongly conditioned attitudes were likely to persist, even for centuries, in spite of the new views and attitudes nominally imposed. This fact probably explains the large survival of pagan beliefs and practices in medieval Christianity. But modern attitudes and beliefs are much more easily reconditioned through the multiplicity of general agencies available for that purpose.

In another way also revolutions have changed character. Earlier revolutions were for the most part staged by minority factions of the upper or ruling classes, and were chiefly in the nature of struggles for the reallocation of power among contending factions of the ruling classes, while the masses of the people who supported the revolutions did so merely as retainers. Such revolutions were almost as common — possibly even more common — than modern revolutions, which are staged mainly by the lower economic, social, and political classes, but usually under the more effective guidance of idealistic — or sometimes designing — leaders of the more intellectual classes. Since the sixteenth century the class that has been most frequently in revolt is the middle or Bourgeois class, due to the increased power accruing to it from the commercial and industrial revolutions. In the nineteenth and twentieth centuries, as has been indicated in an earlier chapter, the fourth estate or proletariat has shown increased tendencies in the direction of revolution as a result of their improved economic and social and educational status. This propensity of the proletariat to revolt has within the last

decade or two, that is, since the Great War, led to counter-revolutions on the part of the Bourgeoisie, just as earlier the nobles, clergy, and kings staged counter-revolutions against them.

Finally, it is becoming increasingly difficult for proletarian revolutions to succeed. Standing armies, machine guns, poison gas, bombs, airplanes, etc. render successful revolt on the part of groups who do not control these instruments of warfare extremely difficult, if not impossible. This is so markedly the case that political commentators sometimes express the belief that the day of popular revolts is drawing toward a close. It is to be observed in this connection that the successful proletarian revolutions in the twentieth century have depended more upon accident and fortuitous circumstances than upon the prowess of the revolutionists. The Russian and German revolutions of 1917 and 1919, respectively, were made possible mainly by the collapse under severe war strain of the Bourgeois social order against which the masses were revolting. On the other hand, these same factors which render proletarian revolution more difficult facilitate the success of Bourgeois counter-revolutions. Since the wealthy middle classes are able to finance counter-revolutions in their own interest and can furnish expert executive ability, command vast resources of propaganda, and usually have possession of armies and other instruments of war, they are usually able to overcome the growing powers and privileges of the proletariat and subject the masses to their will. The success of the relatively small Fascist group in Italy under Mussolini and of the Nazis in Germany in this sort of counter-revolution has been conspicuous.

In the following chapter some account will be given of methods of securing desired fundamental social changes without violence, at least without violence to anyone except to those seeking the change. This method of social control, known as "non-violent coercion," is much in vogue at the present time, and is even more under discussion. But it also falls short of the perfect or rational method of social control. But who knows if this last method ever can be completely realized?

STUDENT EXERCISES

1. Gustave Le Bon's *The Psychology of Revolution* presents a theory of revolution as the result of criminal mob violence and agitation. Some student or students might be assigned to report on this book and the class as a whole should then be asked to discuss and criticize the viewpoints presented.

2. H. M. Hyndman's *Evolution of Revolution* presents a somewhat different point of view. This book should also be reported and discussed in class.

3. The essentials of Professor Ellwood's theory of the causes of revolution were set forth by Condorcet in the eighteenth century. Perhaps some student would be interested to look up and report Condorcet's theory of revolution. What was his preferred method of social change?

4. Students should be asked to collect instances from history of the opposition of ruling classes to social change which was for the welfare of the country as a whole.

5. The same sort of investigation might be carried on with reference to the press of today in the United States. The results should be presented to the class in numerical form as well as descriptively.

6. To what extent do the defenders of the old order appear to be sincere in claiming that the changes they oppose would bring social disaster?

7. Do all revolutions promote the good of the people among whom they occur? Explain.

8. The class could make an interesting investigation of its own by assigning to each member of the class ten students of the college and ten people who are not students, of whom they would ask the following questions: (1) Do you believe that present national conditions are satisfactory? (2) Would you change them by means of revolution? Give reasons for answer. (3) What other method of change would you prefer to revolution? Why? The questions should be asked on the same day and answers recorded immediately. Questioners should not discuss the investigation or express opinions of their own. Answers should be presented to the class and tabulated.

9. Study the American revolution of 1776 and assign reports on the following subjects. (Charles and Mary Beard's *Rise of American Civilization* may be used as a source.)

(1) What preliminary agitation was there for this revolution?

(2) What was the condition of public opinion when force began to be used?

(3) Present cases to show the effect upon public opinion of the use of force.

(4) Give an account of the slump in popular interest after the hard work of the revolution began.

(5) Is this slump in interest characteristic of all revolutions?

(6) What leaders and events sustained the interest to the end?

(7) What were the causes of this revolution? To what extent were these causes economic?

(8) To what extent was the civic reconstruction successful after the physical revolution was over? To what do you attribute this?

10. A similar analysis should be made of some other revolution for which sources are available. The Chinese revolution against the Manchus, the Bolshevik Russian revolution, or the German revolution of 1918–1919 might be selected for study.

11. Why do not we have in this country the "palace" type of revolutions described in the text as existent in Latin America?

12. It is frequently asserted that there can be no more great popular revolutions because standing armies, machine guns, gas, bombs, and aeroplanes make such movements impossible. Have the class look into the question and discuss it at one of their sessions.

13. For an interesting discussion of non-political revolution (in this case with reference to labor policy) see A. J. Todd, *Industry and Society*, Ch. XXIV. This chapter may be assigned with profit if the instructor desires to emphasize this aspect of revolution. For other and more radical discussions of labor revolution the reader may find a large number of works on socialism, syndicalism, guild socialism and the like in the library.

14. Religious revolution may be studied and reported from books dealing with the rise of Buddhism, Christianity, Mohammedanism, etc.

15. The lives of Jesus, Paul, Savonarola, Luther, Melanchthon, Calvin, Wyclif, Wesley, and others, will serve to illustrate the problems and tactics of the

religious revolutionist. Any good life of any of these religious leaders will serve the purpose.

16. A perspective of religious revolutionary movements as a whole may be obtained from the study of a good work on the Protestant Reformation. D'Aubigne's *History of the Reformation of the Sixteenth Century*, although highly sympathetic to the Protestant cause, is almost unsurpassed for its graphic presentation of detail both of action and of thought in this revolution. It makes the whole revolutionary process vivid.

17. Any good candid study of the life of Loyola or of the Society of Jesus, pro or contra, will serve to illustrate the problems and tactics of a religious counter-revolution. Rene Fülöp-Miller's *The Power and Secret of the Jesuits* makes a vivid presentation of this matter. It has been strongly praised by many Catholics.

18. The history of the Renaissance in letters and secular learning will illustrate the method of revolution in the general field of thought. The works of Symonds and of Burckhardt will be of particular use in this connection. See also Preserved Smith, *Erasmus* and *The Age of the Reformation.*

19. Any one of the numerous lives of Erasmus, of Giordano Bruno, or Namur's life of Galileo, will serve to illustrate the technique of the revolutionist in the field of thought.

20. The theory of Evolution as developed in the nineteenth century illustrates the methods of revolution in the sciences.

21. The writers of the French Enlightenment of the eighteenth century (especially Saint-Pierre, Rousseau, Voltaire, d'Holbach, and Condorcet) illustrate the techniques of the revolution of secular philosophy against ecclesiastical theology.

22. The lives of Charles Darwin, Herbert Spencer, T. H. Huxley, and Ernest Haeckel are recommended as a basis for the study of the techniques of the scientific revolutionist.

23. Data for a similar study of radical revolutionary thought may be found in the lives of Mikhail Bakunin and Peter Kropotkin.

24. Revolution in art may be studied in the theories and practice of the numerous modernistic schools of the late nineteenth and early twentieth centuries.

25. The industrial revolution illustrates the techniques of revolution in industrial technology and may be studied as such.

26. Abundant material may also easily be found in revolutionary tendencies in the modern family and in the relation of the sexes in general.

27. Compare the two accounts of the Chartist revolt in England as given by Lord Campbell and Mr. Stanton. What significant differences are there in their points of view?

28. L. P. Edwards' *Natural History of Revolution* will provide excellent material for further reports and discussion of revolutionary techniques and processes.

29. What phase of revolution may be regarded as constructive in social control? Why?

Chapter XIV

SOCIAL CONTROL BY MEANS OF NON-VIOLENT COERCION

An Old Method of Control Is Revived. In the chapters that have preceded we have been dealing with social controls that involve the use of force, intimidation, trickery, deceit, and related methods. These controls are very numerous. It is to the credit of modern society that their reputation has somewhat declined, but the world is still in the main dominated by them. However, increasing emphasis seems to be placed upon what is known as non-violent coercion. It is by no means a new method of social control. For nearly two thousand years the principle has constituted a very puzzling chapter in one of the world's great religious literatures. Even before the "Sermon on the Mount" it was a method well known to the masses of the people of the oriental empires who had no other weapon than that of passive endurance with which to struggle against exploitation, injustice, and tyranny. It has remained a favored form of social control in the orient down to the present day. In our own time, and even earlier, the Russian peasant had learned this same lesson well. Several religious bodies in the west, including the Friends or Quakers and the Mennonites, have adopted it as a philosophy of conduct. But it was not until after the opening of the twentieth century, and especially after the horrors of the Great War had shocked a whole world, that the movement received practically universal recognition, although by no means universal approval.

In its current form it is perhaps most actively connected with the name of Gandhi, and it has been most widely employed in recent times by certain populations in India as a means of resistance to the occupation and exploitation of their country by the English. Undoubtedly this use of the control in India has had two main objects, neither of which is directly in the nature of defense. One of these is to advertise to the world at large in an effective manner the native Indian protest against a foreign occupation which India does not hope as yet to be able to cast off by means of arms. The second, and perhaps the larger motive, is to gain that sympathy of the bystander which is universally awarded when one person or group or nation uses force upon another weaker one which does not fight back. By non-resistance India is able to put England in the wrong with almost the whole of mankind, a fact

which the British government understands very well and which serves to modify British policy.

The Classical Doctrine of Non-Resistance is of course to be found in the Sermon on the Mount. In the first division of this discourse the purpose seems to be to console those who are badly treated and have no recourse except in the rewards they will later receive for their patience and forbearance.[1]

> Blessed are the poor in spirit: for theirs is the kingdom of heaven.
> Blessed are they that mourn: for they shall be comforted.
> Blessed are they that hunger and thirst after righteousness: for they shall be filled.
> Blessed are the merciful: for they shall obtain mercy.
> Blessed are the pure in heart: for they shall see God.
> Blessed are the peacemakers: for they shall be called sons of God.
> Blessed are they that have been persecuted for righteousness' sake: for theirs is the kingdom of heaven. Blessed are ye when *men* shall reproach you, and persecute you, and say all manner of evil against you falsely, for my sake. Rejoice, and be exceeding glad: for great is your reward in heaven: for so persecuted they the prophets which were before you.

Early Defencelessness of the Poor. In early corrupt and absolutist societies such as the one in which Jesus lived, justice could not be hoped for. The courts were for the powerful, and the poor and unprotected could care for themselves best by avoiding their jurisdiction where such was possible. Conditions were even worse than those already described, in an earlier chapter, as existing in India. The law was predatory, because it was a weapon of the strong. This condition of affairs is indicated in another passage from the Sermon on the Mount in which Jesus is apparently warning his oppressed followers against becoming embroiled in unequal controversy.[2]

> Ye have heard that it was said to them of old time, Thou shalt not kill; and whosoever shall kill shall be in danger of the judgement: but I say unto you, that every one who is angry with his brother shall be in danger of the judgement; and whosoever shall say to his brother, Raca, shall be in danger of the council; and whosoever shall say, Thou fool, shall be in danger of the hell of fire. If therefore thou art offering thy gift at the altar, and there rememberest that thy brother hath aught against thee, leave there thy gift before the altar, and go thy way, first be reconciled to thy brother, and then come and offer thy gift. Agree with thine adversary quickly, while thou art with him in the way; lest haply the adversary deliver thee to the judge, and the judge deliver thee to the officer, and thou be cast into prison. Verily I say unto thee, Thou shalt by no means come out thence, till thou have paid the last farthing.

[1] Matthew, V : 3–12 (Revised Version).
[2] Matthew, V : 21–26 (Revised Version).

The Virtues of Conciliation. Obviously in such a society as the one described, the peace-loving and conciliatory individuals had the best chance of surviving. Those who fought back were most likely to perish. Since Jesus wished his followers to work constructively for a better life and to realize that they had a mission to perform, he advised them to use every possible means to adjustment with their fellow beings. The language in which he couches this advice is figurative and it undoubtedly is colored by that oriental exaggeration of statement to which his hearers were accustomed. Since he was talking to people of low culture who were unused to abstractions, he necessarily sought to make his ideas very concrete and therefore clothed them in figurative language and used superlative forms of expression. But his meaning was that in order to win in the struggle for existence one must also conform.[1]

Ye have heard that it was said, An eye for an eye, and a tooth for a tooth: but I say unto you, Resist not him that is evil: but whosoever smiteth thee on thy right cheek, turn to him the other also. And if any man would go to law with thee, and take away thy coat, let him have thy cloak also. And whosoever shall compel thee to go one mile go with him twain. Give to him that asketh thee and from him that would borrow of thee turn not thou away.

Ye have heard that it was said, Thou shalt love thy neighbour, and hate thine enemy: but I say unto you, Love your enemies, and pray for them that persecute you; that ye may be sons of your Father which is in heaven: for he maketh his sun to rise on the evil and the good, and sendeth rain on the just and the unjust. For if ye love them that love you, what reward have ye? Do not even the publicans the same? And if ye salute your brethren only, what do ye more *than others?* Do not even the Gentiles the same? Ye therefore shall be perfect, as your heavenly Father is perfect.

Bunyan Echoed This Philosophy. If we are so far away from such a theory of non-resistance and conformity that, in our more democratic civilization, we cannot well understand such advice; or if we should be inclined to think the advice itself unworthy of the highest ideals of manhood and citizenship, we may see how near to our own time such a philosophy was held and such advice was given. John Bunyan, whom James Anthony Froude has described as perpetuating the primitive Christian tradition in a remarkable degree, delivered himself of a very similar admonition to his hearers when they were being persecuted for conscience's sake under Charles II. Such an attitude toward those in power seems to have been characteristic of the humble in spirit, of those convinced of their own essential unworthiness in the presence of powers greater than themselves, and especially of "convicted" sinners in all times. This interpretation may explain not only the teachings of Jesus and of Bunyan on the matter of obedience to authority, but also

[1] Matthew, V : 38–48 (Revised Version).

of Gandhi and perhaps of the Russians who confessed guilt in the treason trials of 1936. Bunyan's statement to his congregation follows.[1]

> Take heed of being offended with magistrates, because by their statutes they may cross thy inclinations. It is given to them to bear the sword, and a command is to thee, if thy heart cannot acquiesce with all things, with meekness and patience to suffer. Discontent in the mind sometimes puts discontent into the mouth; and discontent in the mouth doth sometimes also put a halter about thy neck. For as a man speaking a word in jest may for that be hanged in earnest, so he that speaks in discontent may die for it in sober sadness. Above all, get thy conscience possessed more and more with this, that the magistrate is God's ordinance, and is ordered of God as such; that he is the minister of God to thee for good, and that it is thy duty to fear him and to pray for him: to give thanks to God for him and be subject to him; as both Paul and Peter admonish us; and that not only for wrath, but for conscience' sake. For all other arguments come short of binding the soul when this argument is wanting, until we believe that of God we are bound thereto.
>
> I speak not these things as knowing any that are disaffected to the government, for I love to be alone, if not with godly men, in things that are convenient. I speak to show my loyalty to the king, and my love to my fellow-subjects, and my desire that all Christians shall walk in the ways of peace and truth.

Varieties of Non-Aggressive Controls. In modern society the case of the poor is not so hopeless as it was in Old Testament times. As a consequence such abject submission to oppression and conformity to the demands of the rich and powerful is not here necessary — at least not outside of countries ruled by dictatorships. However, not infrequently even among modern and relatively civilized peoples the best control over a difficult situation is a comparatively passive one, as the material in this chapter tends to show.

There are several varieties of non-violent coercion, and we shall endeavor to illustrate some of the most significant types in this chapter. One of the most common of these is quietly to ignore a request or a remark which promises to be embarrassing or disturbing to those to whom it is addressed. This is a device very commonly used with children, who are told that they must not talk when their elders are engaged in conversation, or that they must not talk about such and such matters, or that they are not old enough yet to understand that subject. It is reported to have been a favorite device of Speaker Thomas B. Reed of the National House of Representatives in the eighteen-nineties, who is said commonly to have failed to recognize would-be speakers who might prove to be embarrassing to the majority party. Sometimes we use the method in failing to answer letters or telephone calls that are disturbing. The comic magazines have worn threadbare the old joke about Mrs. X who directs her maid servant to announce to Mrs. Y, if she calls, that she is not in. Impecunious authors are sup-

[1] As quoted from Bunyan's sermons by James Anthony Froude in his *Bunyan*, Ch. IV.

posed to use this device in order to avoid bill collectors, and others adopt it to foil process servers. Even politicians resort to this method of silence with regard to questions which they are afraid to handle openly, or even by the method of glittering or gratuitous generalities. Especially do they use it on small or weak minorities, or on what they think are such.

An English Instance — The Suffragettes. Not infrequently this method of treating with silence the requests of those who lack influence assumes considerable administrative or political importance. The valuable employee often is not able to secure a raise in salary until someone else also appreciates his virtues. It is told of a distinguished biologist of the previous generation that he was kept on a $2,000 salary by a great Middle Western University for several years. Then he was offered a salary of more than twice this amount by a Pacific Coast university. Whereupon his president offered to raise the ante still farther in order to retain him, but he indignantly refused to trust himself to the mercies of such a man. The former president of another Middle Western university was at one time accustomed to boast that he was able to retain first class professors at salaries far below the customary level. He did it by holding out hopes that rarely materialized. For a long time labor was not able to secure protective legislation in its favor. When it organized and began to play politics it secured many favors. The grain and railway interests of the Northwest are said to have told protesting rural legislators in North Dakota, who complained of exploitation, to go home and slop their hogs. They went home and organized the Non-Partisan League instead. The following case illustrates this method of inattention or passive resistance of the politician to the demands of the unorganized and weak and powerless, while it is also reminiscent of the methods of violence and intimidation already discussed in preceding chapters. In this case the device is employed by the speaker, Sir Edward Grey, and also by one of his hecklers, Miss Kennedy, who does not fight back but endures the violence of the majority members of the audience.[1]

Whilst the educational propaganda work of the Women's Social and Political Union was being quietly carried on, stirring events were in preparation. The resignation of the Conservative Government was daily expected. The Liberal leaders were preparing themselves to take office, and every newspaper in the country was discussing who the new Ministers were to be. A stir of excitement was spreading all over the country and now the organisers of the Liberal Party decided to hold a great revival meeting in that historic Manchester Free Trade Hall, which stands upon the site of the old franchise battle of Peterloo. The meeting was fixed for October 13, and here it was determined that the old fighting spirit of the Radi-

[1] Adapted from E. Sylvia Pankhurst, *The Suffragette* (Sturgis and Walton Co., New York, 1911), pp. 24–30.

cals should be revived, the principles and policy of Liberalism should be proclaimed anew and, upon the strength of those principles and of that policy, the people should be called upon to support the incoming Government with voice and vote.

When the evening of the thirteenth came, the great hall was filled to overflowing with an audience mainly composed of enthusiastic Liberals, for the meeting was almost entirely a ticket one, and the tickets had been circulated amongst the Liberal Associations throughout the length and breadth of Lancashire. The organ played victorious music, and then the Liberal men, whose party had been out of office for so long and who now saw it coming into power, rose to their feet and cheered excitedly as their leaders came into the hall. After a few brief words from the chairman, words in which he struck a note of triumphant confidence in the approaching Liberal victory, Sir Edward Grey was called upon to speak. The future Cabinet Minister, in a speech full of fine sentiments and glowing promises, named all the various reforms that the Liberal Government would introduce, [but failed to include votes for women] . . . The thunder of applause that greeted his final words had scarcely died away when, as if in answer to Sir Edward Grey's appeal and promise, a little white cotton banner, inscribed with the words, "VOTES FOR WOMEN," was put up in the centre of the hall, and a woman was heard asking what the Government would do to make the women politically free. Almost simultaneously two or three men were upon their feet demanding information upon other questions. The men were at once replied to, but the woman's question was ignored. She therefore stood up again and pressed for an answer to her question, but the men sitting near forced her down into her seat, and one of the stewards of the meeting held his hat over her face. Meanwhile, the hall was filled with a babel of conflicting sound. Shouts of "Sit down!" "Be quiet!" "What's the matter?" and "Let the lady speak!" were heard on every hand. As the noise subsided a little, a second woman sitting beside the first got up and asked again, "Will the Liberal Government give women the vote?" but Sir Edward Grey made no answer, and again arose the tumult of cries and counter cries. Then the Chief Constable of Manchester, Mr. William Peacock, came down from the platform to where the women were sitting, and asked them to write out the question that they had put to Sir Edward Grey, saying that he would himself take it to the Chairman and make sure that it received a reply. The women agreed to this suggestion, and the one who had first spoken now wrote:

"Will the Liberal Government give votes to working women?
"Signed on Behalf of the Women's Social and Political Union,

ANNIE KENNEY,
Member of the Oldham Committee of the Card and
Blowing Room Operatives."

To this she added that as one of the 96,000 organised women cotton workers, and for their sake, she earnestly desired an answer. Mr. Peacock took the paper on which the question had been written back to the platform, and was seen to hand it to Sir Edward Grey, who, having read it, smiled and passed it to the Chairman, from whom it went the round of every speaker in turn. Then it was laid aside, and no answer was returned to it. A lady, sitting on the platform, who had noticed and understood all that was going on, now tried to intervene.[1] "May I, as a woman, be allowed to speak?" she began, but the Chairman called on Lord Durham to move

[1] She had no connection with the two women, and no previous knowledge that the question was to be put.

a vote of thanks to Sir Edward Grey. When this vote had been seconded by Mr. Winston Churchill, and when it had afterwards been carried, Sir Edward Grey rose to reply. But he made no reference, either to the enfranchisement of women, or to the question which had been put. Then followed the carrying of a vote of thanks to the Chair, and by this time the meeting showed signs of breaking up. Some of the audience had left the hall, and some of the people on the platform were preparing to go. The women's question still remained unanswered and seemed in danger of being forgotten by everyone concerned. But the two women were anxiously awaiting a reply, and the one who had first spoken now rose again, and this time she stood up upon her seat and called out as loudly as she could, "Will the Liberal Government give working women the vote?" At once the audience became a seething, infuriated mob. Thousands of angry men were upon their feet shouting, gesticulating, and crying out upon the woman who had again dared to disturb their meeting.

She stood there above them all, a little, slender, fragile figure. She had taken off her hat, and her soft, loosely flowing hair gave her a childish look; her cheeks were flushed and her blue eyes were blazing with earnestness. It was Annie Kenney, the mill girl, who had gone to work in an Oldham cotton factory as a little half-timer at ten years of age. A working woman, the child of a working woman, whose life had been passed among the workers, she stood there now, feeling herself to be the representative of thousands of struggling women, and in their name she asked for justice. But the Liberal leaders, who had spoken so glibly of sympathy for the poor and needy, were silent now, when one stood there asking for justice; and their followers, who had listened so eagerly and applauded with so much enthusiasm, speeches filled with praise of liberty and equality, were thinking now of nothing but Liberal victories. They howled at her fiercely, and numbers of Liberal stewards came hurrying to drag her down. Then Christabel Pankhurst, her companion, started up and put one arm around Annie Kenney's waist, and with the other warded off their blows, and as she did so, they scratched and tore her hands until the blood ran down on Annie's hat that lay upon the seat, and stained it red, whilst she still called, "The question, the question, answer the question!" So, holding together, these two women fought for votes as their forefathers had done, upon the site of Peterloo.

At last six men, Liberal stewards and policemen in plain clothes, seized Christabel Pankhurst and dragged her away down the central aisle and past the platform, then others followed bringing Annie Kenney after her. As they were forced along the women still looked up and called for an answer to their question, and still the Liberal leaders on the platform looked on apparently unmoved and never said a word. As they saw the women dragged away, the men in the front seats — the ticket holders from the Liberal clubs — shouted "Throw them out!" but from the free seats at the back, the people answered "Shame!". . .

As soon as the women had been thrown out of the hall, there came a revulsion of feeling in their favour and the greater part of the meeting broke up in disorder. Believing that some explanation was expected of him, Sir Edward Grey now said that he regretted the disturbance which had taken place. "I am not sure" he continued "that unwittingly and in innocence I have not been a contributing cause. As far as I can understand, the trouble arose from a desire to know my opinion on the subject of Women's Suffrage. That is a question which I would not deal with here to-night because it is not, and I do not think it is likely to be, a party question." He added that he had already given his opinion upon votes for women and that, as he did not think it a "fitting subject for this evening," he would not repeat it.

The Lawyer's Delays. It must not be supposed, of course, that inactivity and non-aggressiveness are necessarily virtues, simply because sometimes they are imposed by circumstances and necessity. They are to be preferred only when they are the more economical methods of attaining ends, or where the powers of the contestants are so unequal that practically no other method is available. Also, non-violent methods are always to be preferred to the use of force, when other matters are equal.

Sometimes a variety of this type of social control is used by criminal lawyers in our courts as a means of defeating justice. Through numerous delays and continuances they are able to wear out the patience and to dissipate the funds of the opposition, and even to wait until the loyalty of the opposition witnesses is exhausted or they have died or moved away. It is a maxim of the less reputable type of criminal lawyers that one good delay in hand is worth two perjured witnesses in prospect. Even the interest of the public wears out with continued delays and the nature of the case becomes hazy in their minds. In the following instance, copied from an editorial page, intimidation of witnesses figures along with delays.[1]

> A reader sends us what he considers a most illuminating case of Kansas City justice. Lloyd Billings was shot to death June 24, 1934. John Mangaricina, night club operator, was charged with first degree murder. He surrendered early in July and was released on $20,000 bond for preliminary hearing July 20. Then began a long series of legal maneuvers, including 21 continuances and three changes of venue. A few days ago, the case was dropped because of "non-prosecution."
>
> Between the original filing of charges and final disposition, the number of witnesses had dwindled from six to two, and the remaining two had not witnessed the actual shooting. The files of the case in the Prosecutor's office have disappeared. No public record exists of the fatal shooting affray except the final note, written by Assistant Prosecutor Konomos, reading as follows: "Case dismissed by Justice for want of prosecution. Prosecuting witnesses will not appear to prosecute. M. D. K."
>
> And here is what one of the witnesses had to say: "I knew the case was set for last Saturday, but I had been going to court so much that my husband told me not to go any more. Mrs. Sharp (another witness) was ill. We wanted to help all we could, and I attempted to get Mabel Maupin at Columbia here to testify, but she did not seem to want to come. Sometimes when we went to court, there would be men around that would make sneering remarks about Mrs. Sharp and me. They would ask us why we were so interested in the case."
>
> Here is a typical example of how delay and intimidation defeat justice. Lloyd Billings' murder occurred nearly a year ago. No one has paid for it and the chances are no one ever will. We submit the incident to the Legislature, which has refused for 10 years to cure this condition by revising the criminal code.

Administrative "Stalling." Hardboiled experienced administrators develop various devices for avoiding doing things that are contrary to

[1] From the St. Louis *Post-Dispatch*, April 4, 1935.

their policies or to the policies of the administration which they serve. They also find equally effective means of compelling subordinates to carry out their policies without the use of violence. Such administrators usually attempt to enforce their plans or to prevent others from having their way with them by tactful methods, but sometimes they break over into rudeness and into barefaced denials or threats. We cannot illustrate here all of the devices of "stalling" and nagging and pushing employed by administrators in order to secure their ends, but the two following illustrations of "attrition" or "stalling" provided by an experienced government worker may prove of interest in this connection. If the reader finds that the methods employed are somewhat Machiavellian, he should remember that governments, as well as other organizations, still use such devices.

Local No. 12 of the United Federal Workers of America, in the U. S. Department of Labor, is one of the most active, alert, and best led among the government unions. The leaders are on their toes, intelligent, and resourceful. The department officials are, therefore, not likely to use strong arm methods of dealing with them. One of the most interesting devices employed by some of the government officials may be called the technique of "attrition," or wearing down the union's patience. A delegation from the adjustment committee calls on a certain official and presents its case — the making good of a long-promised raise in pay for a certain employe. The official, Mr. X, sees that the case is a good one, but instead of granting this at the outset, he hopes to defeat the committee by delays. He points out that the employe's salary advance, although everyone admits it is right, cannot be made because the funds from which his salary is paid are tied up by law in such a way as to make it impossible. . . . The committee must therefore spend several weeks investigating the allocation of funds — and anyone who has had anything to do with federal financing and the various legislative restrictions which hedge it on all sides, knows what a labyrinthine process this is. At length, one member of the union committee has unearthed all the laws bearing upon this particular fund, and finds no such restriction. A new meeting is requested with Mr. X. This time he grants that it was not because the funds are tied up, but because the nature of the project on which the employe is working is such that raises cannot be made. Again the committee must interview men, read laws, do extensive research. Again they find no evidence for Mr. X's statement. They request another interview. Now they learn that Mr. X is too busy to see them this week. A week later they call again only to learn that Mr. X is out of town for several days. When they finally manage to get a meeting, Mr. X states that although he is quite willing to agree to the raise, the whole thing is out of his hands. He has no authority in this matter. They must see Mr. Y, who really has jurisdiction in these affairs. And now the whole discouraging process of delay and procrastination starts all over again. By the time the increase is granted, the project on which the employe works has been terminated. The case from the beginning was unassailable, but the officials won.

The Board of Appeals of the Civil Service Commission uses an analogous technique to discourage persons from prosecuting even the most just appeals. The appellant goes to the Board and states his case. A technical flaw is found in his argument. He therefore spends considerable time mending the defect. He writes a letter stating that he has now amended his case. Then a process like a tennis game

ensues, during which the Board and the appellant throw the case back and forth from one to the other. A new objection is raised by the Board, which throws the case back upon the appellant. He meets the objection, and then throws the case back to the Board. This can go on indefinitely, for months, in fact. Most appellants drop by the wayside out of sheer exhaustion. There is no way for an outsider to know, but it would not be surprising if ninety per cent of the original appeals were never settled, but simply dropped. So far as the Board is concerned, finding technical objections in the appeal rather than seeing that justice is done, seems to be its chief function, and if this can be done, it is willing to drop the case. Only very persistent and dogged appellants, convinced of the justice of their case, can carry through in the face of the numerous hurdles placed in their path. Perhaps the Board has deliberately developed this technique as a test to winnow out the less persevering! If such is the case, it is indeed an ingenious type of Civil Service Examination.

Positive Non-Violent Disapproval. Very frequently the method used is much more positive than in the two cases just presented. Sometimes a person or a group of people make use of a "gesture" of protest to signify their disapproval of some act or of the character of another person. The woman of good reputation used in the good old days when skirts meant something to draw them aside literally and figuratively when beggars and prostitutes came too near. The woman of secure social position often meets the words or the glance of the "climber" with a vacant or a haughty stare. The coy young lady moves away from the too aggressive wooer — into a more protected location. The man of wealth looks down upon the petty tradesman and the great lawyer can scarcely see the struggling attorney. In the following case we see a group of liberal senators at Washington "walking out" on a new member of whom they disapprove, as he is coming in.[1]

Six Western Progressive Senators executed a dramatic protest at noon today against the appointment and seating of Dennis Chavez, Democrat, as successor to the late Senator Bronson Cutting of New Mexico. As the dark-featured Chavez advanced to the Vice-President's desk to take the oath, Senators Norris of Nebraska; La Follette of Wisconsin; Johnson of California; Nye of North Dakota, and Shipstead of Minnesota, arose in a body and left the chamber.

Senator Borah of Idaho, to whom the others ascribed the original suggestion of their arresting gesture, had walked out a few minutes earlier in anticipation of the episode.

Many circumstances combined to deepen the solemnity of the protest. Senator Cutting's tragic death in an airplane crash shocked Washington, where he was immensely popular. In addition, all the Senators who walked out today were his intimate friends. Finally, there was bitter personal and political enmity which existed between Chavez and Cutting during the latter's lifetime, culminating in the election contest filed by Chavez against Cutting last year.

Senators Norris and Johnson, veteran leaders of the Senate Progressive bloc — to which Cutting was one of the most forceful additions in recent years — feelingly

[1] From Paul Y. Anderson in the St. Louis *Post-Dispatch*, May 20, 1934.

expressed the emotions which impelled them to register their disapproval of Chavez' appearance as successor to their dead friend.

"I left the chamber," Norris said, "because that was the only way, in my helplessness, that I could show my condemnation of the disgraceful and unwarranted fight made last year to drive Senator Cutting out of public life. The determined efforts of the Democratic National Committee and its chairman [Postmaster-General James A. Farley] to defeat Senator Cutting for re-election, constituted one of the greatest pieces of ingratitude in political history. It is a blot on the history of the Roosevelt administration which nothing can erase."

Senator Johnson's comment was even more terse. He said:

"Our affection for Bronson Cutting was such, and our resentment against the contest filed against him — a contest utterly unwarranted and without merit — was so profound, that we simply could not bear to see his successor seated, his successor being who he is."

Economic Coercion by Withdrawal. Another type of coercion or control by means of withdrawal is economic. There are many forms of non-violent economic coercion. Refusal to sell products upon the sale of which the vendors are dependent for their existence is, somewhat paradoxically, sometimes successful as a method of control. In the case which follows the method of control was rendered the more feasible because the farmers would lose little by feeding their milk and vegetables to their livestock and by holding the livestock itself instead of overstocking an already sluggish market with these products.[1]

Farmers at points as widely scattered as Atlanta, Ga. and North Dakota today joined the selling strike under way in Iowa for more than a month. Milk producers in New York and parts of New Jersey, Vermont and Pennsylvania were reported to be considering holding their products from the metropolitan market, and the Georgia Milk Producers' Federation ordered its members in 20 counties to stop shipments to distributors in Atlanta.

The progress of the movement was satisfying to Milo Reno of Des Moines, president of the National Farmers' Holiday Association, he said. In a speech before the Iowa Farmers' Union Convention, which closed here yesterday he declared: "No farm movement has ever spread like this one. I have received letters of encouragement and promises of co-operation from Holland and other European countries, and from every State in the Union."

He pointed to increases in milk prices paid to producers at Omaha, Neb.; Sioux City, Ia.; St. Paul, Minn., and other points, and to gains in livestock prices, and said they gave proof that the holiday movement was effective.

While conditions remained quiet in Iowa and near Omaha, farmers in Minnesota and North Dakota were active.

South St. Paul livestock receipts were reported to have declined about 10 per cent, and the price of hogs advanced 10 cents, buyers saying the price increase was due to broader demand and lighter runs at all markets.

The Buyers' Strike. Of more frequent occurrence is the refusal to buy, known as the buyers' strike. In such cases the buyers either go

[1] An Associated Press dispatch from Des Moines, Iowa, reprinted in part from the St. Louis *Post-Dispatch*, Sept. 23, 1932.

without or substitute something else. This method of control has been used effectively throughout the great depression of the early nineteen thirties, although the striking buyers were usually not organized for the purpose. Nevertheless prices were reduced during this depression because of the refusal of former customers to purchase. Finally, the Rooseveltian drive for higher prices resulted in concerted resistance on the part of portions of the public who believed they were being exploited. The following case illustrates the method of the buyers' strike as described in an Associated Press dispatch from New York.[1]

An abundance of meat remained locked in the refrigerators of wholesale and retail butchers today while housewives cooked vegetable dinners in protest against rising meat prices. A consumers' strike, closing mostly kosher dealers in predominantly Jewish neighborhoods, continued through its seventh day. There were widely divergent reports of the boycott's effectiveness. The United Council of Working Class Women, leaders of the boycott, said 5000 shops were closed. Several associations of kosher dealers set the figure at 2000.

Deputy Commissioner Alexander Hamilton of the Department of Markets said there are more than 8000 kosher meat stores in the greater city.

The State Association of Retail Meat Dealers has adopted a resolution to ask the Attorney-General or a Federal agency to investigate the conduct of meat packing firms, whose prices are the real issue.

The Sit-Down Strike. A new type of workers' strike has come into existence which dispenses with the violence and sabotage that accompanied the old types of strikes described in an earlier chapter of this book. This type of strike has become rather frequent in recent years and seems to be preferred by the workers. While it requires the striking employees to stay close to their machines, and thus imposes strict confinement to the factory and some other hardships upon them, it frees them from the risks of violence and removes them from the major temptations incident to idleness outside. It is also a socially preferable form of strike, because it engenders less hard feeling and involves less destruction of property and of lives. That it is at least as successful as the old type of strikes, partly because it keeps out strikebreakers, seems to be evidenced by the following case.[2]

One braw mid-February day, 500 Akron rubber workers sat down — not at home, not in local pubs, but right beside their machines — and refused to budge.

Because the Goodyear tire factory runs on an assembly line system, the quaint strike threw a monkey-wrench in the whole works, paralyzing production and forcing a complete shut-down. Out came the other 14,000 workers in sympathy with the sit-downers' protests against lay-offs of veteran workers. A five-week labor *vs.* capital tussle began.

In Siberian weather, massed pickets besieged the plants, set up tents and huts in the streets, and defied police orders to disperse. Inside, marooned officials, leery

[1] From the St. Louis *Post-Dispatch*, May 28, 1935.
[2] From *News-Week*, VII, No. 13, pp. 13–14 (March 28, 1936).

of exposing themselves, watched moving pictures of the mobs milling about beneath their windows.

Last week, as the strike drew into its second month, former Mayor Nelson Sparks rounded up 9,000 vigilantes to break the picket lines. But with both sides keyed up for skull-breaking, Paul Litchfield, soft-spoken Goodyear president, unexpectedly waved a flag of truce.

His seven-point peace plan granted three major concessions: retraction of all disputed lay-offs, recognition of the United Rubber Workers' Union, and a 6-hour day. Put to a union vote, it brought the walk-out to a close. The five-week holiday had cost the workers $2,500,000 in lost wages.

The General Strike. The general strike is another method of non-violent coercion, generally employed by labor against capital or even against governments, in order to force concessions. This control technique has been widely urged by the syndicalists as the most effective weapon against capital at the disposal of labor. But its value has been questioned by Ramsay MacDonald in his *Syndicalism* and attempts to use it have not proved very successful in practice. Bertrand Russell's exposition of this method of control follows: [1]

By far the most important of the Syndicalist methods is the strike. Ordinary strikes, for specific objects, are regarded as rehearsals, as a means of perfecting organization and promoting enthusiasm, but even when they are victorious so far as concerns the specific point in dispute, they are not regarded by Syndicalists as affording any ground for industrial peace. Syndicalists aim at using the strike, not to secure such improvements of detail as employers may grant, but to destroy the whole system of employer and employed and win the complete emancipation of the worker. For this purpose what is wanted is the General Strike, the complete cessation of work by a sufficient proportion of the wage-earners to secure the paralysis of capitalism. Sorel, who represents Syndicalism too much in the minds of the reading public, suggests that the General Strike is to be regarded as a myth, like the Second Coming in Christian doctrine. But this view by no means suits the active Syndicalists. If they were brought to believe that the General Strike is a mere myth, their energy would flag, and their whole outlook would become disillusioned. It is the actual, vivid belief in its possibility which inspires them. They are much criticized for this belief by the political Socialists, who consider that the battle is to be won by obtaining a Parliamentary majority. But Syndicalists have too little faith in the honesty of politicians to place any reliance on such a method or to believe in the value of any revolution which leaves the power of the State intact.

The Student Strike. Another form of the strike is the student strike. It is very common in South American universities, where it frequently secures needed reforms in educational administration, although it is not an unmixed blessing. More recently it has been introduced into the high schools of the United States. The students have often shown more public spirit than their parents in opposing political interference

[1] Adapted from Bertrand Russell, *Proposed Roads to Freedom* (Henry Holt and Co., New York, 1919), pp. 67–69.

with the schools. In most student strikes the primary purpose seems to be to stage a demonstration against the political action of the school boards, who have dismissed a favorite teacher for partisan and factional reasons. Although capable of being misused for less worthy ends, this form of the strike might be made a most valuable aid to the lessening of a political administration of the public schools which is now altogether too common. Such appears to have been the motive in the following case, which was successful in causing the school board to reverse its action.[1]

Students at Belleville Township High School went on a strike this morning and refused to attend classes in protest against the discharge of six teachers by the School Board last Thursday.

About 1000 of the students congregated in front of the school at 2600 West Main street, shouting and attempting to get 350 others, who attended classes, to join in the strike.

Within an hour all but about 50 had joined the strikers.

Then, running through the corridors of the school, knocking on doors, and calling to the others to come out, the strikers carried their demonstration into the building.

The discharged teachers are: Kenneth Pyatt, mathematics, 12 years' service; Miss Phyllis Alexander, domestic science, eight years; Miss Minnie Dill, physical education, seven years; Miss Amy Jane Harrison, English, four years; Miss Helen Tewinkle, history, six years; and Miss Ruth Kindred, English, nine years.

Members of the school board said the teachers were let out for "the good of the school system." During the election campaign last April when Dr. W. S. McKelvey was elected as new president, with two new members, it was reported there would be a shake-up among the instructors, some of whom are not residents of Belleville. The new members elected are Dr. L. R. McKinley and Arthur Spoeneman. The board is composed of seven members.

Girls were among the strike leaders. A group of them barricaded the automobile drives leading into the school grounds with wooden bucks, usually used to close the drives after school convenes. H. G. Schmidt, school principal, removed the barricades, but after he re-entered the building the girls put them back.

A banner carried by a group of boys read, "We want our teachers back." Three hundred girls and boys marched through the business section of Belleville and around the public square.

Schmidt called a group of the strikers into the auditorium and asked them to return to classes, but his request was ignored except by a few.

After the board action, a petition was circulated for the return of the teachers, and about 1000 students signed the petition which was presented to the School Board.

A New Era in Strikes. The new type of strike undoubtedly veers from the side of violence over towards that of passive non-resistance. *Editorial Research Reports* has summed up this new trend and the various causes of it — psycho-social, economic, and political — in an inter-

[1] From the St. Louis *Post-Dispatch*, May 27, 1935.

esting brief statement which is reproduced below from one of the daily newspapers in which it appeared.[1]

The strike against General Motors marks a new stage in American industrial disputes in more than tactics. The entire situation would probably have been impossible not much more than a decade ago.

For one thing, General Motors evidently feels it would lose public support by evicting the strikers from the plants by force. Even though the sit-downers or down-sitters (take your choice) are manifestly trespassers on others' property, the public is averse to violence and apt to blame the side which begins it, wherever the legal rights may be. For that reason, coal operators and public officials in Pennsylvania are shrugging their shoulders while unemployed miners dig and sell anthracite which does not belong to them.

Flagrant, widespread and continued violence is becoming scarcer and scarcer in strikes in the United States, partly because the strikes themselves do not last so long. In 1929, the average man-days lost in strikes reported to the Department of Labor was more than six weeks. In the first half of 1936, the average was less than a week.

It is when men have been desperate for a long time that violence is apt to break out. Also, violence is apt to be directed primarily at strike-breakers, and the technique of the sit-down strike seems effectively to bar any attempt at strike-breaking.

To some extent, strikes are settled more quickly now because there is more disposition to compromise, and more willingness to lose face than suffer material loss. Employers now get condemnation rather than commendation if they insist on repeating: "Nothing to arbitrate"; and bitter-enders among the labor leaders have also lost caste — with the workers as well as with the general public.

Another reason why most strikes are less protracted these days is that national, state and local governments are quicker with mediation. In 1902, President Roosevelt waited to enforce arbitration in the great anthracite strike until both sides had become desperate and homes lacked coal for heating. Today, any President who delayed that long in bringing pressure to bear would be considered hopelessly inefficient.

Nor can it be denied that labor has achieved more public support than it once had. In 1902, so liberal-minded a citizen as President Eliot of Harvard called strike-breakers a very good type of modern hero; nobody who thus lauded strike-breakers in 1937 would be considered liberal-minded.

And with labor getting more public sympathy, it has received more government support. Twenty years ago, public officials who were overtly pro-labor were relatively scarce and were often regarded as mere time-servers. Today, such officials are numerous and are generally granted sincerity, even by those who resent their labor sympathies.

Employers as a class have probably come to a better understanding of labor's viewpoint, even though they may still consider it ill-advised. Also, employers now appreciate the economic value of the workers' purchasing power, and would like to see them prosper as much as possible.

Labor also understands now that it may advance as industry advances, and the striking occupants of the General Motors plants have made no move to damage the property at which they hope soon to work again. The A. F. of L. leaders have now achieved an economic status which ill comports with any devil-may-care atti-

[1] From the St. Louis *Post-Dispatch*, Jan. 20, 1937.

tude, and the CIO has won a political recognition which also militates against recklessness.

The Embargo. In recent years we have heard much about proposed embargoes by nations at peace upon arms and even food stuffs, clothing, and raw materials destined for nations at war, as a coercive measure to end wars which have now become destructive to the economic and political welfare of all peoples. Thomas Jefferson put through a trade embargo against Great Britain in 1807, in order to protest against British depredations on our commerce and shipping; and some steps were taken during the Chaco war of 1933–1936 between Bolivia and Paraguay to proclaim an international embargo on arms, especially after Bolivia appeared to be at the point of defeat. But it seems that this embargo was directed more toward the protection of the interests of certain oil companies than toward the preservation of peace. There were also threats on the part of the League of Nations to use the embargo against Italy to compel her to desist from her attack upon Ethiopia in 1935–1936, but apparently the chief backer of the embargo in this case — Great Britain — was not equal to the step. Similar threats and proposals to employ the same control against Japan to check her invasion of China likewise failed. There are always two great difficulties in the way of the successful use of this passive weapon. It requires a greater degree of cooperation among the peoples applying it than is ordinarily possible in a world of so many conflicting national interests, except under the pressure of war. And in the second place it runs directly counter to the immediate interests of commercial peoples who sustain themselves largely by means of international trade.

The Boycott. The boycott is another well known device used to force compliance with some demand without the employment of violence. It differs from the embargo in that it is a refusal to buy rather than a refusal to sell. While the embargo, if enforceable, would prove a very powerful control due to the fact that it starves the controlled, the boycott has the disadvantage of starving the controller, or at least of putting him at a disadvantage in purchases and in consumption. Yet it is often used with effect. Although the intention is otherwise, both the boycott and the embargo may bring about retaliation which results in violence. This is especially true in labor disputes. Boycotts have been declared for a great variety of objects and they have taken a vast number of forms, only a few of which can be illustrated here. The boycott is a very old institution, and we shall take our first example of its operation in the economic field from the recent history of one of the earth's oldest nations.[1]

[1] Adapted from Dorothy J. Orchard, "China's Use of the Boycott as a Political Weapon," *Annals of the American Academy of Political and Social Science*, CLII : 252–255 (November, 1930).

Politically powerless, China has discovered and put to effective use an economic weapon, the boycott. Almost continually since 1919, China has been boycotting some foreign power in defense of her sovereignty. The pressure of economic resistance has proved powerful — more powerful for a weak nation like China than resort to arms. Trade has been cut off, shipping dislocated, manufacturing depressed, and the economic life of the boycotted nation severely disturbed. The story of the use of the boycott by the Chinese people is one of the most revealing chapters in modern economic history.

The first boycott by China in the present century occurred in 1905 and was a protest against the stringent immigration rulings of the American Government. It had no apparent influence upon the trade of the United States but did express the objection of the Chinese people to the discrimination. President Roosevelt directed American immigration officers to place more liberal construction on the Chinese exclusion laws, and the American Secretary of Commerce and Labor approved a report providing for radical revision of the regulations under which Chinese were permitted to enter and live in the United States.

In 1908, the first anti-Japanese boycott occurred. The "Tatsu Maru," a Japanese steamer bound for Macao, a Portuguese colony on the China coast, was seized by Chinese officials for attempting to smuggle a quantity of arms and ammunition into the hands of Chinese revolutionists by way of this bit of foreign territory. The Japanese Government claimed that the ship had been overhauled in Portuguese waters — not in Chinese. Because of this technicality, Peking was forced to apologize, to pay an indemnity, and to punish the Chinese customs officials who captured the vessel.

South China, where the arms had been seized, was incensed over the affair. Commercial interests and guilds in Canton declared a boycott on all Japanese products, to continue until the damage done to Japanese trade should amount to $10,000 for every one dollar indemnity exacted from Peking. The boycott spread to Peking, Hankow, Shanghai, and other large cities, and into the South Seas, and the loss to Japanese trade was very considerable. In the nine months, April through December, 1908, Japanese exports to the China market, which includes the trade to Hongkong and Kwantung, declined in value, compared with the same period of 1907, by $13,300,000 gold, or more than six per cent of the total Japanese export trade in 1907. While the whole of this decline cannot be attributed to the boycott, since the total Chinese import trade for 1908 also declined, imports from Japan declined relatively four and one-half times as much as imports from the rest of the world.

The second anti-Japanese boycott occurred in September and October of 1909 as a protest against Japan's insistence upon China's agreement to the extension of her railways in Manchuria. Peking's capitulation to Japan's demands was bitterly opposed all over China. But because the impetus of the movement was spent in boycotting and destroying goods on hand, the 1909 boycott did not cause Japan any serious loss. It did, however, register on world consciousness China's opposition to Japan's aggression in Manchuria.

In 1915, the Japanese, under cover of the European War and with the backing of a large army and navy, made their now famous Twenty-one Demands upon China. The boycott of all Japanese trade that was immediately declared has been followed by a series of anti-Japanese boycotts that have disrupted Sino-Japanese trade relations very seriously from that day to this. It is now very doubtful if the gains that Japan secured through her Twenty-one Demands have been worth the losses she has since incurred from the ever recurring boycotts on her trade. . . .

Throughout the war years, the Chinese were forced to buy in large quantities from Japan, but the humiliation and resentment of the Twenty-one Demands continued to rankle; and in 1919, when the other nations at the peace conference accepted Japan's claim on Shantung, obtained through the Twenty-one Demands, and incorporated it into the terms of the Treaty of Versailles, the Chinese people were again roused to an economic war on Japan.

The 1919 boycott began in May, before the peace treaty was signed, and had the immediate objective of preventing the Chinese delegates from signing the treaty, as well as the ultimate aim of securing the return of Shantung from Japan. The first evidences of the movement were the almost general refusal to accept the bank notes issued by Japanese banks in China and the withdrawal of Chinese funds from those banks.

From banking, the boycott spread to all Japanese goods. It was taken up by the student class, and student unions were organized in practically every college and university in the country. These unions became an active and important factor in spreading the boycott propaganda. They held demonstrations and drew up rules for the boycott which they disseminated throughout the land pledging the people: (1) not to do business with any Japanese; (2) not to transport cargo on any Japanese ship; and (3) not to accept or honor any Japanese bank notes. They did police duty for the movement, inspected shops and hawkers' wares, destroyed Japanese advertisements, gave lectures, and took up collections for the movement. They conducted a straw hat war. Bulletin boards were decorated with straw hats, umbrellas, thermos flasks, and other Japanese goods taken from pedestrians and destroyed by students. There was very little rowdyism. The student unions and boycott leaders saw to that, and though large bonfires were made in all the cities of China to destroy confiscated Japanese goods, the demonstrations were orderly.

Boycott activities were not confined to the student groups. Merchant guilds, chambers of commerce, artisans and craftsmen, labor unions and coolies joined in the movement. A general strike and stoppage of all business activity by all classes was staged in Shanghai for four days in June to protest against the signing of the peace treaty by the Chinese delegates. Other cities followed the example of Shanghai, and by July it became known that the Chinese delegates had declined to sign.

The burning and destroying of Japanese goods, while it registered China's objection to Japan's aggression, did not actually affect the Japanese trade, and large quantities of goods continued to come in from Japan. During the height of the agitation, in the first ten days of July, imports from Japan were almost completely stopped; but world trade conditions did not permit this state of affairs to continue long. For the period from June to September, the exports from Japan to China declined very sharply, but the trade for the entire year 1919 was well above the 1918 level. Though the increase in imports from Japan amounted to about three per cent, it was evident that China was placing her orders outside Japan whenever possible, since imports from other nations increased 26.6 per cent, or relatively 7.6 times as much as the Japanese imports. Also the boycott did not end with 1919. It continued into 1920 and 1921, and its effect in those years was much more evident. In 1920, China's imports from Japan decreased 7.2 per cent compared with 1919, while the rest of the Chinese import trade increased by $33\frac{1}{3}$ per cent. Japan lost in that year about $29,155,000 in her trade to the China market.

Throughout 1921 and into 1922 until the matter was settled, the boycott continued. Japan's export trade to the China market in 1921 declined by $86,961,000 gold as compared with 1920, or nine per cent of the total export trade of Japan for 1920. In the meantime, Chinese imports from other nations increased over thirty

per cent in the same period. It cannot be denied that the 1919–1921 boycotts, whatever they cost China, also resulted in considerable success. They prevented the signing of the peace treaty; they brought about the return of Shantung; and they inflicted considerable financial loss on Japanese trade, shipping, and industry.

Boycotting Anti-Social Movies. The same method was used with a fair degree of effectiveness against the producers of moving pictures who had gone into the business of selling sex stimuli and the excitement of vicarious participation in criminal action through the movie films, under the hypocritical and specious claim of catering to art and recreation. Years of attempted censorship and prosecution having failed to clean up the movies, leaders in the Catholic and Protestant churches tried the attendance boycott. Since many Catholics take the admonitions of their priests seriously and follow their instructions, the movement was in considerable degree successful in attaining its object, as the following account seems to show.[1]

Hollywood was still in a daze last week as a result of the campaign to clean up the films. Blows still came strong and often. It hardly recovered from one punch when another landed.

One of the biggest blows was struck in Philadelphia, where Cardinal Dougherty commanded his people to boycott the films entirely. His Eminence then left for Rome to visit the Pope. So literally were Catholics in Philadelphia obeying their absent shepherd last week that Warner Brothers and other organizations controlling 470 theatres gave two weeks' notice that if the boycott continues their theatres will be closed. This would throw 20,000 out of work.

Philadelphia theatre men offered to meet the Cardinal halfway. They said he might pre-view films. The Cardinal declined. "I am extremely glad the boycott has been so efficacious," he said in Rome. "I shall strive to intensify the drive when I return to America. . . ."

Only in Philadelphia and St. Louis has the Catholic Church decreed a wholesale boycott. In 42 other Dioceses, Bishops are merely using the Legion of Decency pledge — to stay away only from indecent films.

Last week Massachusetts Catholics announced their stand. Even the smallest country parishes in the three Dioceses — Boston, Springfield, and Fall River — are organized against the films. A white and black list will be issued. A producer who offends once goes on the black list for a month. If he repeats the offense he goes on it for three months. Massachusetts Catholics may not attend any film put out by a producer on the black list.

One of the Massachusetts prelates, Dr. Cassidy, Apostolic Administrator of Fall River, is the first prominent churchman openly to demand the ouster of Will Hays.

"As a corrector of uncleanness and a friend and advocate of cleanliness in the movie industry, Mr. Hays has been false to the trust imposed on him. He has been a co-betrayer, with the movie industry, of the sacred rights of parents to protection of the morals of their children.

"Personally I have no hesitation in saying publicly through the press that the instant removal of Mr. Hays would be a condition *sine qua non* of any understanding or agreement between the contenders for cleanliness, Christian and non-Christian, and the providers and conductors and producers of past and present

[1] From *News-Week*, IV (July 14, 1934), p. 35.

salaciousness. Kid gloves may cover and conceal, but they do not cleanse dirty hands."

In Chicago Cardinal Mundelein issued his latest check-list. He described 52 films as "suitable"; 41 as "offensive in spots"; and 31 as "immoral and indecent." He urged his faithful to attend only suitable ones. . . .

Cardinal Hayes of New York was scheduled to issue a strong statement this week on the films, lining up the largest Roman Catholic Diocese in the Country (1,273,291 persons) against the movies. Figures last week showed effects of the crusade against "immorality." In small cities attendance dropped 20 per cent — in some towns as much as 35 per cent. Hollywood did not like this news. It knows that smaller cities are the backbone of its existence. There are 16,850 movie theatres in the country, and 10,888 of these are in towns of 20,000 or less population. In towns, with their intimate and neighborly atmosphere, churches are exerting their strongest influence. . . .

Meanwhile, Protestants are not letting grass grow under their feet. One denomination after another has sent word to the Federal Council of Churches of Christ in America that they want to enlist in the drive. This week the council will meet and draw up its pledge. It expects to get 12,000,000 signers immediately.

Out in Hollywood, producers last week turned hand-springs trying to show how moral they are going to be in the future. Calculating the earnings of what they consider their twenty most lurid films, they announced that Mae West's "I'm No Angel" was a hit, two others made money, and seventeen were failures. They agreed perhaps they had been wrong and the public is right. Their next job is to go over the 600 films scheduled for 1934–35 production and prove their word. Warner Brothers defined their coming shows as "clean as a hound's tooth."

As a preliminary proof of honest intentions producers pointed to selection of Joseph I. Breen, Administrator of the NRA Production Code, and a Roman Catholic to be "umpire" of forthcoming films. He will check and pass on every film from the synopsis to the final cut-and-edited picture. Any producer releasing a film unauthorized by Mr. Breen will be fined $25,000. . . .

The ill wind blowing around Hollywood has brought good to some people. The lucky ones are the unknown fledgling stars whom the studios were signing up in large numbers last week. New faces, producers reason, will not remind picture-goers of the sins of the bad old days.

Resulting Improvements in the Movies. Nearly a year after the movie boycott was first instituted the press still reported improvements especially in the efforts of the movie producers to meet the demands of the public for greater decency and to convince the people that they were living up to the requirements imposed upon them. Although the conciliatory public statements of the movie interests did not mention the work of the Legion of Decency — preferring to leave the impression that the improvement of the morale of the movies was their own idea and not forced upon the industry — it was nevertheless the boycott and perhaps it alone that produced the desired result. We present an editorial comment on this situation as follows.[1]

The men behind the movies have found that virtue pays — handsomely. The box-office is happy to report . . . [that] success has attended productions in which

[1] Adapted from *The Literary Digest*, CXIX : 18 (April 27, 1935).

not a single shot is fired, in which there is not one seduction. Plays have succeeded without the stimulus of murder and sudden death. Audiences have been won by scenes of family love. Men have been bewitched without the siren's lure, women captivated by love fulfilled at the altar. Children may return from movies without asking awkward questions about "that wicked woman."

Altogether, the annual report of Will H. Hays, President of the Motion Picture Producers and Distributors of America, Inc., is an encouraging document, and those who have clamored for better films are cheered that, as one puts it, the "picture moguls see the light." There is, too, some less-censorious comment.

The producers have mined Dickens, Alcott, Barrie, Bronte, Tolstoy, and found pure gold for the screen. They are mining Shakespeare, Dante, Hugo, Thackeray, Verne, Dostoyefsky, and O'Neill, and have found "pay-dirt" in plenty.

Coming plays will be built on a bed-rock of art, culture, and education. Plans are forming, too, in various of the industry's studios to translate great operatic productions to the screen.

After referring to the wide-spread demand for better pictures, Mr. Hays wrote that "the criticism voiced by organized moral leadership was generally supported. This was notice of the fact that more people were now considering the nature of their entertainment; that the overwhelming majority of Americans still held to sound ideals of family life and conduct; that there was a revolt against vulgarity and indecency in every form of expression; that movies which were appealing increasingly to the intelligence could not afford to offend the decencies and moralities of the people; and that many otherwise good films were often gratuitously spoiled, from the standpoint of family appeal, by a single suggestive element, innuendo or situation.". . .

"There is no lack of evidence that the screen has gone through a cleansing process which has been something more than the proverbial lick and promise," commented the Detroit *Free Press*. But "the immediate reason for it is the campaign carried on by the League of Decency, and the organizations which went to the League's support.

"And the movement succeeded quickly because it had the hearty approval of a strong body of public opinion which was fed up on dirt and was waiting for leadership. The time being ripe, the innate decency of the American people reasserted itself after a period of quiescence, and Hollywood surrendered almost overnight, in some studios, it is pleasant to know, with real gladness."

"The moguls have seen the light, if current performances are to be matched with future productions," said the Syracuse *Post-Standard*. "There can be no disagreement with Hays that the measure of progress for cinemaland is the extent to which fine pictures become the rule, not the exception."

Robbing the report of some of its unction, the Detroit *News* "recalled that since Mr. Hays last reported to the public, the public has reported to Mr. Hays and his associates, to the effect that it was pretty sick of some of their product. So, for the sake of the record, it ought to be added — while Will is congratulating the industry on its reform — that it didn't move of its own accord, but was pushed.

"Mr. Hays might, in good grace, thank the public for doing what he has never given any evidence of being able to do, and, incidentally, for showing his associates a way to grow wealthy."

The Dragon Never Sleeps. But the dragon of private profit never sleeps. If the vigilance of the boycotters is relaxed it may be expected that the movie interests will go back to their old and more profitable

habit of selling sex appeal and stimulation to crime to the public. One of the religious periodicals makes the following editorial comment in this connection.[1]

Came this warning from *The Churchman:* "If the Legion of Decency and allied agencies, among Catholics, Jews, and Protestants, dare to rest on their oars, and fail to follow up such victories as have already been gained, America's greatest avenues of instruction will again become cluttered up with all that is unworthy and vicious."

The "Hunger Strike." Another form of passive resistance which has come into marked prominence in recent decades is the so-called "hunger strike," which is in reality a form of the boycott. It was used by some of the Irish leaders, and especially by Mayor McSweeney of Dublin, with great effectiveness in their struggle for national independence following the world war. Originally and in primitive times this passive method of committing suicide was supposed to make the oppressor responsible for the crime. Even yet one hears of Japanese peasants committing Hara Kiri in protest against public oppression or other situations which they are unable individually to remedy. While no modern enlightened person now believes that such guilt can be mystically transferred to another, suicide and hunger strikes which are likely to lead to death are very effective methods not only of withdrawing from participation in the program of the real or reputed exploiter, but also of calling attention to an injustice and of throwing the blame upon the people responsible for the situation. Apparently no government or class can resist indefinitely the disapproval of public opinion thus aroused. The following hunger strike case occurred in connection with the suffragette movement in England, and is presented here to illustrate the extent to which it may be carried even in advanced cultures.[2]

And now the evening paper placards were announcing a strange thing that had been taking place in Holloway gaol. Miss Wallace Dunlop, who had gone alone to prison, had set herself to wrest from the government the political treatment which her comrades demanded, and seized upon a terrible but most powerful means of attaining her object. On arriving in prison on Friday evening, July 2nd, she had at once claimed to be treated as a political offender, and, when this had been denied, she warned the Governor that she should refuse to eat anything until she had gained her point. On Monday morning she put her breakfast aside untasted, and addressed a petition to Mr. Gladstone explaining that she had adopted this course as a matter of principle and for the sake of those who might come after. Miss Wallace Dunlop has not the vigour and reserve force that belong to youth and she is of fragile constitution, but she never wavered and went cheerfully on with her terrible task.

[1] Adapted from *The Literary Digest*, CXIX: 18 (April 27, 1935).

[2] Adapted from E. Sylvia Pankhurst, *The Suffragette* (Sturgis and Walton Co., New York, 1911), pp. 391–396.

Every effort was made to break down her resolution. The ordinary prison diet was no longer placed before her, but such dainty food as at other times is not seen in Holloway, and this was left in her cell both day and night in the hope that she would be tempted to eat. But though her table was always covered, she touched nothing. Tuesday was the day on which she felt most hungry, and then, as she says, "I threw a fried fish, four slices of bread, three bananas and a cup of hot milk out of the window." Threats and coaxing alike failed to move her. The doctor, watching her growing weakness with concern, came to feel her pulse many times during the day, but her calm steadfast spirit and gentle gaiety never deserted her. She had always a smile for him. "What are you going to have for dinner to-day?" he would ask, and she would reply, "My determination." "Indigestible stuff, but tough, no doubt," he would answer. So Monday, Tuesday, Wednesday, Thursday passed; by Friday it was clearly realised that she would not change her mind but would carry on her hunger strike even to the gates of death. Hourly she was growing more feeble and so on Friday evening, July 9th, she was set free.

The fourteen women who had been sentenced on the day of her release and heard the news of what she had done as they were being hurried to gaol decided to follow her example. On reaching Holloway they at once informed the officials that they would refuse to deliver up any of their private property, to undress and to put on the prison clothing, to obey the rule of silence, to perform prison tasks and to eat the prison food and that in every way that was open to them they would protest against the regulations. The Governor agreed for the time being to allow them to retain their own clothing, but told them that when the visiting magistrates next came round they would be charged before them with mutiny. . . .

One day Miss Mary Allen fell fainting on the stone floor of her punishment cell and when, weak and numb with cold, she regained consciousness, she sang the Women's Marseillaise to cheer herself, and to her delight the occupant of the next cell joined in. So, bravely struggling, each of the women won her way out to freedom, having fasted bravely, some for six and a half, others for six, five and a half, or five days.

Passive Resistance. The term passive resistance is used in a double sense. Sometimes it is employed to indicate any sort of control which does not use violence although the controller may seek positive results. In a more specialized sense it implies non-resistance. This second type of passive resistance should probably be given the separate category of Non-Resistance. The most striking cases of the modern use of both of these methods of control are to be found in connection with the movement led by Gandhi in India for some twenty years. Gandhi began to employ these techniques in South Africa early in the twentieth century in defense of the Indian settlers in that country. It was there, in fact, that he gained the experience which he later turned to account in India. His first lesson came in 1906, in Johannesburg, where the Hindus, unable to defend themselves in the usual manner against police aggression, took an oath of passive resistance. In this oath they were joined by the Chinese and other Asiatics, and very soon passive resistance became with these peoples a religious creed. Although they were thrown into jail on the nominal charge of non-payment of taxes in such

numbers that the prisons would not hold them, they did not weaken. Instead, they demonstrated and protested, but never fought back with violence. In a few years India and other parts of Asia grew indignant at this treatment of Oriental peoples by officials in another British possession. The passive resistance technique was having its expected effects. It was winning the sympathies of the rest of the world and was advertising the severity of British exploitive treatment of native races. British officials in India, rendered unpopular by sympathetic contagion, found it necessary to protest to the British home office against British policy in another imperial possession. The result was finally that Gandhi and his followers won their cause and the taxes were abolished.

Non-Resistance. Later on, in India, the passive resistance policy was pushed to the non-resistance limit by some of the followers of Gandhi. On one occasion the Akalis, when ordered back by the police, allowed themselves to be wounded by the police weapons until the blood flowed, but met this attack only with silence and prayer. Naturally such discipline was not easy to maintain and it was not always achieved. More than once Gandhi was compelled to take very radical steps to prevent the use of violence by the Hindus, or to correct it when it had occurred. His methods in this connection were typical of the non-resistance method. He protested to his own people against violence and fasted. It is impossible to ascertain to what extent fasting was used as a magical device by Gandhi and in what degree it was merely a clever publicity technique, first, to call attention to the exploitation by the British, and, second, to impress his own people with the great seriousness of the situation and the profound necessity of their abstaining from violence. Sometimes his fasts almost reduced him to death, a fact which was even more impressive to his native supporters, who believed in magic even if he may not have.

Non-Cooperation. Another aspect of passive resistance, which is very similar in method to the boycott, is non-cooperation. It is a more general technique than the boycott, but is more passive in its form, and less active still than the embargo. Non-cooperation has been very widely used, not only in India, but by special religious groups and by conscientious objectors generally. As proposed and put into effect by some of the groups in India more directly under the control of Gandhi it involved, among other matters, a refusal to participate in assigned or elective governmental functions, refusal of governmental honors and distinctions, denial to selves of the privilege of government economic aids such as loans, the substitution of private arbitration of disputes for regular court procedures, avoidance of government schools, and even the extreme device of returning to the primitive handicrafts

in order to boycott British trade. Gandhi himself gained considerable notoriety by his hand spinning, by manufacturing his own salt, and by resorting to a breech cloth and a sheet for clothing. Such methods of passive resistance, when they became widespread, forced many concessions from the British home government and from the local administration in India.

Less conspicuous perhaps in its methods and also less effective in the results obtained, largely because conducted on a smaller scale, with less astute leadership, and with less sympathetic contagion, western non-cooperation has nevertheless been equally persistent. Here it has been carried on mainly by religious bodies and by people with strong ethical convictions, in support of general principles rather than of concrete movements. It is interesting to note this more abstract and theoretical application of this form of non-resistance here in the West, where people are supposed to be more practical and self-seeking than in the Orient. Is it possible that after all a higher, if a somewhat more realistic, form of idealism is to be met with here? In the West non-cooperation has largely taken the form of refusal to perform military obligations or actively to support war. Otherwise, the principles and procedures are essentially the same, as the following paragraphs taken from the leading authority on this subject will show.[1]

Not one of the peace sects has modified its ancient testimony against war as being essentially un-Christian. On the contrary, Mennonites, Dunkers, Quakers, and others have steadily reiterated their long-standing conviction on the subject, in some cases even during the excitement of the war, without equivocation or modification. Their statements of the underlying ground for their common objection are not, however, identical.

The *Inspirationists* of Amana, Iowa, republished, in July, 1918, their belief that "arming is not permitted to any Christian, much less that it belongs unto a Christian and Godly Community. According to our faith we are not permitted to bear arms under any circumstances, nor make use of the same either in times of peace or war, not even in self-defense against our fellowmen, but rather to suffer wrong as a disposition of God, than to resort to violence."

A leading member of this communistic peace group says, however, that while "there has been no modification in the stand taken by our society in regard to war . . . this has never been carried to the extreme viewpoint of the Mennonites." This statement is corroborated by the official literature of the society, as in the leaflet quoted above, where the stress throughout is laid upon "the bearing of arms" exclusively. The important thing, however, in the present connection is to note that on this somewhat restricted peace-ground the Inspirationists still stand unshaken by the distressing experience of the World War.

Similarly, we are told that whatever formal official action was taken by the *Dunkers* "was a restatement of the principles and testimony expressive of the attitude the church has maintained steadily and continuously since its organiza-

[1] Adapted from Clarence Marsh Case, *Non-Violent Coercion* (The D. Appleton-Century Co., New York, 1923), pp. 135–138.

tion." Illustrative of this "restatement" is the following, from among similar annual utterances: "We take this occasion to renew . . . an expression of our abhorrence of war and our testimony in favor of peace and the furtherance of those sentiments that make for peace. . . . And we most respectfully but most earnestly and specifically protest against the enactment of laws that contemplate enforced training. . . ."

The *Mennonites* likewise reaffirmed their ancient testimony in their general conference of 1917, and the various branches of the church united in addressing a signed "Appeal to the President" (undated) in which they say, "Because of our understanding of the teachings of Christ and the New Testament generally against war in any form, we can render no service, either combatant or non-combatant, under the military establishment, but will rather be amenable to any punishment the government sees fit to lay upon us as a penalty." These steadfast opponents of war also presented to Congress a petition against the passage of the Selective Service Act, which was signed by about twenty thousand persons of that sect, scattered throughout the various commonwealths of the United States.

In all these utterances there is manifest a desire to make the ground of opposition as clear and as reasonable as possible, but no disposition to retreat before the astounding growth of military conscription which recent years have witnessed.

The same may be said for the *Friends* and all the other historic passive resistance sects. The position of the former has been recently restated with great clarity and fullness. Not only did the English Friends and certain groups of American Quakers issue addresses to their fellow-countrymen during the war years, but a general conference of all Friends throughout the world occurred in London during August, 1920. This was the most widely representative gathering of Quakers ever held, there being 350 delegates from America and Canada, with other leaders from various parts of the world sufficient to raise the list of delegates very close to a thousand.

This highly authoritative gathering issued a "New Statement of the Quaker Position" on war, which opens with these significant words: "The fundamental ground of our opposition to war is religious and ethical. It attaches to the nature of God as revealed in Christ and to the nature of man as related to Him. . . . The only absolute ground for an unalterable and inevitable opposition to war is one which attaches to the inherent nature of right and wrong, one which springs out of the consciousness of obligation to what the enlightened soul knows ought to be."

A Recent American Case. There were a number of cases of non-resistance or of conscientious objectors, especially among the Quakers and similar sects, during the Great War. In a previous chapter we have given some attention to the treatment that some of these objectors received in the United States and in Great Britain. From time to time students have protested against taking prescribed military training in our colleges and universities, sometimes on religious grounds and in other instances because of civic and social and ethical reasons. In England, a few years ago, large bodies of students in several of the leading universities pledged themselves not to go to war under any circumstances whatever, and even larger numbers of students and others have pledged themselves not to go to war unless their countries

were actually invaded. The following case appears to indicate that some of the less pacifist religious bodies are joining with those that have traditionally opposed war in an attempt to destroy the forces and factors that help to make war an increasing probability or even a necessity in our modern world.[1] However, it should be remarked that the institutionalization of military training and of the war cult is only one — although a very important one — of the causes leading to war. Economic and political conflicts are still the chief causes and the most important way to abolish war is through reforms of these economic and political and social evils.

Several denominations, appalled by the thought of another war, have taken a stand against compulsory military training in schools, and colleges. The churchmen feel that 721 army officers teaching the art of war to more than 100,000 students in Reserve Officers Training Corps at 255 schools and colleges — supported by a Congressional appropriation of about $4,000,000 a year — thwarts hopes for world peace.

At its 1934 convention the Congregational and Christian Churches went beyond condemnation. Delegates promised to support their Church's conscientious objectors "in their endeavor to live by the dictates of the religious and ethical conscience."

Last week in *Advance* — Boston's liberal Congregational monthly — the Rev. Alfred Schmalz, associate secretary of the denomination's Council for Social Action, recounted how his Church had lived up to its pledge.

In 1932 Kenneth Arnold — a member of the Congregational Church at Central Falls, R. I., where his father, William B. Arnold, is senior treasurer and Sunday School superintendent — entered the Massachusetts Institute of Technology, where military training in an R.O.T.C. course is compulsory. In his freshman year the tall, husky student played the clarinet in the military band. During his sophomore year, however, Arnold could not reconcile military training with Christian teaching, and he refused to complete the two-year required R.O.T.C. course.

Explaining his decision to President Karl T. Compton, Arnold learned that in 1929 M.I.T. ruling left the president only two courses: to expel the conscientious objector or list him as a special student. Arnold chose the special student listing although it would debar him from graduation.

Confident that the case merited their intervention, the Congregational Church's New England Committee on Social Action appointed a sub-committee of three clergymen — headed by Mr. Schmalz — to persuade President Compton to make an exception for Arnold and other conscientious objectors in the future.

Dr. Compton expressed himself as having "no lack of sympathy with the boy or his ideals," but refused to abrogate the institute's ruling.

Despite fruitless efforts in the Arnold Case, Mr. Schmalz does not think the Congregational Church will give up its efforts to support such students: "If our churches honestly and realistically carry forward a program of peace education, we may expect more and more conscientious objectors to arise from the ranks of our young people."

Several months after the date attached to the *News-Week* item which appears immediately above, the same periodical carried the statement

[1] From *News-Week*, Vol. VII, No. 15, p. 41 (April 11, 1936).

that President Compton of the Massachusetts Institute of Technology had announced that arrangements had been made whereby conscientious objectors might in the future receive their degrees upon satisfactorily completing their college work without enrolling for R.O.T.C. training. The statement was also made that young Arnold would receive his degree.

Passive Resistance Explained. Many people do not profess to understand the psychological motivation that lies back of the theory and practice of this type of non-violent coercion called passive resistance. Frequently they look upon it as "silly" and as hopelessly ineffective, and perhaps as the product of a diseased mind. The old sexual myth of masochism is sometimes brought forward by way of an explanation of this attitude. As a matter of fact, passive non-resistance is the product of a highly reflective philosophy of conduct, however much it may be reinforced by emotion and heightened by strong religious convictions. Case explains and in some measure justifies the method as follows.[1]

> Willingness to suffer is inseparable from all passive resistance of the purest type; and a measure of the same fortitude and self-control must be at their command who would successfully wield the related methods of non-violent coercion. It is eminently right that this should be so, for thus only can the interests of society be secured. True non-violent coercion is, and ought to be, a two-edged sword. In other words, it causes, and it is well that it should cause, inconvenience and suffering to those who wield it, as well as to those against whom it is invoked. In this it is exactly contrary to violent methods; for a principal reason accounting for the appalling growth of terrorism in modern times is the unfortunate fact that the development of firearms and high explosives carries no automatic check and penalty for all who use them, as in the case before us. As for the methods of non-violent coercion, particularly the strike and the boycott, the public usually stands more or less in position to determine which way the blow shall fall, that is, which party to the controversy shall suffer the greater loss. It is well that this should be so, for it is not in the interest of the general good that any group of men should exert irresponsible power. So it constitutes a saving virtue of these methods that in the strike or boycott in their pure form, the voluntary moral, financial and social cooperation of the public is required for success. When violence or intimidation is resorted to on either side, it constitutes a confession of weakness in the party using it, suggesting a lack of confidence in the ability of one's cause to command the necessary support, or a greater willingness to inflict than to endure pain and loss. For these reasons, we hold that there is a most vital, salutary, and socially necessary connection between the open, truthful, self-denying spirit of passive resistance and the *constructive* use of non-violent coercion in any of its forms. This fairness and willingness to face the consequences are characteristic of passive resistance, whether its opponent be private parties or the state itself.

The Spirit of the Martyrs. This readiness to suffer for a cause, even to the point of welcoming persecution and death for a principle, has

[1] From C. M. Case, *Non-Violent Coercion* (D. Appleton-Century Company, New York, 1923), pp. 404–405.

been characteristic of the more consecrated spirits of all ages and numerous examples of it can be found in all of the higher religions, and sometimes among the moralists and the social idealists. Socrates accepted martyrdom for the cause of truth without protest, even defiantly. Frequently nurses, physicians, scientists, soldiers have sacrificed themselves willingly to the cause which they served, although with less of the ecstatic spirit than has frequently been manifested by religious martyrs. One of the satisfactions enjoyed by the religious martyrs was the realization that their deaths without fear or recantation were a powerful stimulus to others to accept their faith. The following passage describes the deaths of John Huss and Jerome of Prague.[1]

With prayer and the singing of psalms he (Huss) walked to his death. Smiling, he watched the burning of his books, confident that the truth contained in them could never perish. The executioner bound him to the stake first, by accident, with his face towards the east, but was ordered to undo him and place him with his face towards the west; for the heretic was never again to see God's sun. As he was fastened with a rusty chain to the stake he said, "Joyfully do I bear this chain. My Saviour bore much heavier bonds for the sinful human race." . . .

"Arrived at the place of execution, he himself took off his clothes and fell on his knees before the stake. His naked body was then tied to it, first with wet cords and then with an iron chain. The faggots were thickly piled from his feet to his breast. The executioner was then about to apply the fire from behind. 'Come to the front,' cried Jerome. 'Light the fire in my face and before my eyes. Know that I am in nowise terrified thereat. Had I feared the fire, I should not have come to Constance.' Then he began to sing a song of praise, and sang it to the end with a clear voice, though by this time the flames leaped together high above his head. Had'st thou witnessed the heroic death of this man, thou wood'st have acknowledged that without doubt this Hieronymus belonged to the school of the wise.

"Mucius Scaevola did not hold his hand in the fire with greater constancy than Hieronymus allowed his body to be burned. The resignation with which Socrates drained his poison-bowl was not so great as was the joy with which this man hurried to the stake."

Concluding Generalizations. It is difficult to predict the future of non-violent coercion as a method or as a body of techniques of social control. It seems always to have been employed since the earliest times of which we have any written records. In early ages and in barbarous civilizations it was practically the only recourse of the oppressed against their oppressors. It appears to have been more generally adopted by religious communicants and bodies than by political and economic interests, except in the one case of the present passive resistance movement led by Gandhi in India. It has become especially remarkable in recent years in the new forms which it has assumed, but it does not seem possible to determine whether this fact marks a pass-

[1] From Samuel James Capper, *The Shores and Cities of the Boden See* (Thos. de la Rue and Co., London, 1881), pp. 181–182, 184.

ing emphasis or a permanent trend. Some writers, and among them the poet Tagore, speak with confidence and enthusiasm of its future. Tagore declares that the West is dominated by an unshakable faith in force and material wealth and cannot free itself from these dominant interests for the sake of peace even if it would; it is unarmed India that must teach the world how to achieve through moral force the highest welfare of mankind! As yet, however, the effectiveness of passive methods as compared with other controls has not been fully or adequately demonstrated. But it does seem to be clear that it works successfully only where there is essential unanimity of opinion and cooperation back of the movement and when it is directed against a power which is fairly sensitive to moral and humanitarian considerations. There is as yet no adequate proof that "hard boiled" peoples would honor such a method. It is difficult to suppose for example that Mussolini would have refrained from occupying Ethiopia if he had met with no resistance, or that Hitler would not have invaded Austria if it had offered up prayers and had disbanded its army. As a matter of fact, the latter country did not fight, but it was absorbed just the same. It seems still to be a true saying that when the lion and the lamb lie down together the lamb is inside the lion. Passive resistance methods appear to work better in economic relations than in political, because in the former the use of force has already been greatly diminished and there have grown up legal sanctions and controls, and a body of public opinion, which favor or at least tolerate such methods. But even the right to strike and to use the boycott have been won at least as much by militant as by passive methods. So far the embargo has not been very successful. The passive resistance controls appear to work best where the ethical sensitivity of the population is most highly developed. Even strikes and boycotts are prohibited in such countries as Germany and Italy and are scarcely tolerated in other countries like Japan or France. Only in fairly democratic countries, like the United States, Scandinavia, and Great Britain, has the legal and political right to use passive resistance measures been won to any great degree, and even there it usually cannot be invoked in favor of the conscientious objector in wartimes.

Only when backed by unity of conviction on the part of those who use the control does the passive-resistance method attain to a universal social sanction, and only when it is directed against a sensitive power can supporting public opinion have a due effect. If men and institutions are becoming more sensitive to moral obligations — as they seem to be — and if public opinion is being made constantly a more effective instrument of social control, it is possible that the greatest era for nonviolent controls lies in the future instead of in the past. The fact seems

to be that passive resistance is at one and the same time a very primitive and a very modern, a very low and negative and a very high and positive, method of social control. In primitive times it was apparently the result of abject fear, and as such we find non-resistance surviving into the great ancient empires and reappearing under the modern dictatorships, where men tend again to become as domestic animals and whipped curs. On the other hand we find it appearing in history in a new role, that of martyrdom for a great cause to which the victim has given his enthusiastic and idealistic moral allegiance. It is the martyr's method of testifying to his faith in the cause. He believes in it to the extent of giving up his life in its support. Such a testimony has the highest value and the most far-reaching effect as a symbolic social control. "Blessed are the martyrs" is a pronouncement of the highest significance in the field of the philosophy of social control. As mankind becomes more highly civilized the number of willing martyrs appears to increase, while the number of involuntary or forced martyrdoms diminishes. A people who can show a large number of individuals who are willing to suffer for an abstract principle possesses a high order of self discipline and is capable of an equally high order of moral self control.

STUDENT EXERCISES

1. Describe in some detail the tactics employed by Sir Edward Grey and his associates in dealing with the suffragettes.

2. How would you construe Sir Edward's remarks quoted at the end of the case dealing with the suffragettes?

3. It would be enlightening to the class to have some member report on the effects of delays and continuances in courts upon the quality of the justice afforded by them. Materials may be found easily in the library.

4. The students would be able to contribute some interesting illustrations of control by the method of ignoring the viewpoint, claims, or presence of others.

5. What is the psychology of "cutting" a rival or an opponent?

6. Some student should be commissioned to report on the Farmers' Holiday movement. Data can be found in the weekly periodicals of 1933–1935.

7. Another report might be made on the Embargo of Jefferson's administration and its effects. The larger works on American history will provide the necessary material.

8. Similar reports on the proposals and agreements for an embargo on materials of war destined for Japan in 1932–1935 and for Bolivia and Paraguay in 1934–1936 would prove valuable to the class.

9. Students could probably add something of value from their personal observations regarding the effect of the movie boycott in 1934–1935 upon the character of the films shown.

10. A report on hunger strikes would be informative. The *Readers' Guide*, periodicals, and histories could be consulted for materials.

11. The whole non-cooperation movement in India might be studied and reported with profit and discussed in class. Abundant sources can be found.

12. Case's *Non-Violent Coercion* contains a convenient survey of non-resistance and non-cooperation movements. Each of these movements might be reported by some student assigned for that purpose.

13. Reports might well be made on recent passive forms of industrial strikes.

14. A good report on the psychology of martyrdom, with some concrete cases of ecstatic expression at the stake would be of interest to the class. Fox' *Book of Martyrs*, Charlotte Elizabeth's *English Martyrology*, Cave's *Lives of the Fathers*, and Butler's and Baring-Gould's *Lives of the Saints*, among other sources, may be consulted.

15. Contrast the motives for passive non-resistance in the time of Jesus and earlier with those that usually operate at the present time.

16. What are the non-resisters counting upon at the present time? That is, in what do they really place their hopes for ultimate success of their method?

17. Why could they not count upon such an aid in earlier society? What does the fact that they have such a hope now argue as to (1) the temper of modern society, (2) the social control situation at the present time?

18. In what did the religious martyrs place their hopes? How did this expectation differ from the present outlook of the passive non-resisters?

19. What would you be inclined to conclude about (1) the ethical outlook of passive non-resisters; (2) their patriotism?

20. Some member of the class might be encouraged to make a study of student strikes and report the results to the class. Some conclusions may be drawn as to (1) who engage in the strikes, (2) the objectives of the strikes, (3) their success or failure.

21. Similar studies might be made of buyers' strikes, and other types of strikes and boycotts mentioned in the text.

22. A report on the life and aims and methods of Gandhi might prove to be of interest and value to the class.

23. To what extent has there been resistance to military training in American colleges and schools?

24. How effective would passive non-resistance likely be in opposition to Fascistic movements such as are now active in Europe and elsewhere?

25. The statement is sometimes made that the important method of combating evil in the modern world is not passive non-resistance but (1) to determine which is the right side, and (2) to use every effort, even to the limits of violence, to make this cause prevail against error. What are the merits or demerits of this viewpoint?

26. Some one should report on pacifism as a proposed method of abolishing war. What is the likelihood that the method would achieve its objective?

27. Clyde Eagleton's *Analysis of the Problem of War*, Chapter VI ("Passive Resistance"), should be read by the class as a whole, if available, and criticized.

28. An interesting and instructive exercise could be developed by asking the students to bring examples of "stalling" or other related devices used by administrators in institutions with which they have contacts. In a large class these should be numerous.

29. Some mentally active student might take these cases and see what results he could get by classifying them from various angles and report his findings to the class.

30. The data and arguments regarding the effectiveness of the general strike as a non-violent method of coercion as set forth in Ramsay MacDonald's *Syn-*

dicalism and in A. D. Lewis' *Syndicalism and the General Strike*, Bonamy Dobree's *English Revolts* (or some other work favorable to the theory of the general strike) could be compared profitably.

31. The class might well be canvassed for cases of non-violent coercion observed by its members and for the results of the cases.

32. Some members of the class may also know cults or communities in which some form of this method is used or advocated. Such concrete first hand reports would be of interest to the class as a whole.

Chapter XV

SOCIAL CONTROL BY MEANS OF REGIMENTATION AND STANDARDIZATION

Meaning of the Terms. Regimentation and standardization are control devices based on the principle of reducing behavior in social or adjustment situations to such a degree of uniformity, both in time and in space, or to such regularity of sequence or coordination, as will render its control easy and systematic. Regimentation may be considered as a subdivision of standardization. These two related social processes are fairly familiar to every one, but regimentation is more generally known because its history goes far back into the past and it is still very widely employed as a social control. Standardization is a more technical process and therefore the average individual comes less frequently in contact with it in the field of behavior control. The phases of standardization with which every one is familiar are those of commerce and manufacture. The majority of articles sold to consumers are packed in standardized containers of standard weight and measure, and they may be of standardized quality. Even if they are not yet thus standardized in form and quality, they have long been measured to the customer by standardized units of measure. Increasingly, also, manufactured articles for consumption are produced by standardized machines which turn out standard products with reference to size, materials, weight, shape, etc.

Importance of Standardization. These and similar forms of standardization usually contribute greatly to the saving of the time, energy, and money of the consuming public. People are able by means of these various types of standardization to give less attention to the ordinary, every day processes of adjustment in living and to turn the attention thus saved to the control of other phases of their adjustment to the living process. This saving makes possible the production of new inventions and controls which further improve the quality of human adjustments. Thus, indirectly, the standardization of material objects of consumption and of the machines and mechanisms which produce and distribute them exercises a considerable control over human behavior in other and perhaps larger aspects by making it possible to set energy and other resources free from the mere subsistence processes of life for higher creative processes and aims. But

there is an additional phase of standardization to which we shall give some attention in this chapter which is even more important for mankind. Standardization of articles of consumption, of weights and measures, and of mechanical processes by means of which material articles are produced is relatively easy and simple. But the standardization of behavior — and especially of mental and intellectually creative behavior — is more difficult. This form of standardization will, therefore, claim our attention as well as the simpler forms of standardization.

Origin of Regimentation. Efforts at uniformization have long been a major concern of mankind and, paradoxical as it may seem, behavior uniformization or regularization (in spite of its greater difficulty) is one of the oldest forms. But early regularization of behavior is usually referred to as regimentation rather than as standardization because, first, of the relatively unscientific character and direct methods used, and, second, because of the motives of exploitation usually involved. Slavery and the management of slave labor, despotic governing methods, military control, the subjection of the masses to uniform modes of dress and of religious or magical practices and beliefs belong to this category. Regimentation or regularization by uniformization was and is usually effected by empirical or rule of thumb methods. Whatever regimentation seemed to work for the major end desired was adopted usually regardless of the interests of those exploited and with as little regard for the scientific logic of the processes involved. Thus, waste of human life or of materials, of energy and of time, or considerations of morality and justice, were as likely as not to be disregarded. Slaves might be worked to death; the tools or weapons used by regimented groups were not necessarily required to conform to principles of largest output with the least expenditure of energy and time; the common welfare was not considered in government, moral right in religious practice, or social justice in industry. If the most economical methods or the social welfare were taken into account at all, such consideration was always likely to be incidental.

Regimentation apparently arose originally as a method of more easily exploiting those persons and materials in the power of the dominant group. It was a driving ahead to ends extraneous to the processes involved for the benefit of the persons who controlled the processes, but were not themselves a part of the process. Such has always been the case in slavery, war, and industry, especially when the last two are engaged in for the benefit of the leaders and owners rather than for the good of the fighters and workers.

Standardization Distinguished from Regimentation. Standardization, as distinguished from regimentation and as the term is now employed,

implies rather the application of scientific methods and principles to the control of processes and products directed toward the achievement of the greatest possible efficiency of adjustment or inner consistency within the adjustment process itself. Thus standardization attempts to secure the organization of behavior according to a consciously established norm, while regimentation aims at the organization of behavior for purposes of exploitation, even when it works on the basis of an established norm within the field of standardization. Standardization may include regimentation, when the latter is thus organized, but not all regimentation rises to the normative level of standardization. As an example of standardization, vegetable packing cans are made of such a size and shape as will enable the vegetables to be packed most economically for shipment and to hold the quantities most commonly desired by customers. Scientifically standardized machines are those that produce the largest output of a standard product with the least expense of money, human energy and time, and in the shortest period of operation. A standard of living, as distinguished from a plane of living, is a standardized mode of consumption which is determined on the basis of the desired efficiency of the individuals who consume, not on the basis of the benefit of the employer of their labor. A standard wage tends to be defined in terms of that which will provide a normal standard of living. It is to be expected that both the producer and consumer will be benefited by such forms of standardization of products, processes, and productive behavior, but the standardization is not commonly dominated by the interests of the employer, ruler, military leader, or priest, as was usually the case with the old exploitive regimentation. The standardization tends more and more to be planned and achieved with reference to all the factors involved in the process, that is, to be rigorously scientific and objectively just.

The Early Demand for Conformity. Regimentation as the early and unscientific and exploitive form of standardization or regularization of behavior probably first came into existence as a social process when the early leaders of men realized that waste energy and random behavior were economically wasteful and dangerous to the perpetuation of their rule and perhaps to the very existence of group life itself. There must have been a time when the socially more observant and intelligent members of the primitive community realized that conflict of motives and of behavior were preventive of achievement and destructive of the values sought after. Since their gods commanded them to be effective in their accepted enterprises, behavior out of the ordinary was regarded not only as dangerous to themselves as agents of the gods, but as an offense against the very gods. Thus grew up folkways and mores and a supernaturalistic sanction for uniformity; and men began to be

regimented in their speech and action in conformity with the accepted ways. Thus the rule of custom was born. Bagehot has described this early demand for conformity as follows.[1]

> The persecuting tendency of all savages, and, indeed, of all ignorant people, is even more striking than their imitative tendency. No barbarian can bear to see one of his nation deviate from the old barbarous customs and usages of the tribe. Very commonly all the tribe would expect a punishment from the gods if any one of them refrained from what was old, or began what was new. In modern times and in cultivated countries we regard each person as responsible only for his own actions, and do not believe, or think of believing, that the misconduct of others can bring guilt on us. Guilt to us is an individual taint consequent on choice and cleaving to the chooser. But in early ages the act of one member of the tribe is conceived to make all the tribe impious, to offend its peculiar god, to expose all the tribe to penalties from heaven. There is no "limited liability" in the political notions of that time. The early tribe or nation is a religious partnership, on which a rash member by a sudden impiety may bring utter ruin. If the state is conceived thus, toleration becomes wicked. A permitted deviation from the transmitted ordinances becomes simple folly. It is a sacrifice of the happiness of the greatest number. It is allowing one individual, for a moment's pleasure or a stupid whim, to bring terrible and irretrievable calamity upon all. No one will ever understand even Athenian history, who forgets this idea of the old world, though Athens was in comparison with others, a rational and sceptical place, ready for new views and free from old prejudices. When the street statues of Hermes were mutilated, all the Athenians were frightened and furious; they thought that they should *all* be ruined because some *one* had mutilated a god's image, and so offended him. Almost every detail of life in the classical times — the times when real history opens — was invested with a religious sanction; a sacred ritual regulated human action; whether it was called "law" or not, much of it was older than the word "law"; it was a part of an ancient usage conceived as emanating from a superhuman authority, and not to be transgressed without risk of punishment by more than mortal power. There was such a *solidarité* then between citizens, that each might be led to persecute the other for fear of harm to himself.

Early Civilization Compelled Regimentation. Two sets of factors appear to have made for regimentation in early societies. On the one hand, the very poverty of primitive man and his constant fear of making a misstep in policy, which he translated into fear of offending the supernatural powers by disobeying their commandments, led him to a practice of slavish conformity or regularization and even ritualization of his behavior. The poor are always normally conservative, unless in revolution, because they cannot afford deviations in behavior. On the other hand, as culture accumulated and as more economic wealth and more institutional values came to be at stake, the insistence of those who possessed the wealth and guided the institutions upon conformity became constantly greater as an exploitive device. Until the masses of men could perceive for themselves the social necessity of

[1] From Walter Bagehot, *Physics and Politics*, 1873, pp. 102–103.

cooperation and the minimization of conflict and irregular behavior, it was inevitable that they should be regimented — even to the point of enslavement, when necessary — by those whose interests demanded a fairly settled order and who had the power to compel it. Egypt, Persia, Greece, Rome were among the ancient societies which had reached this stage of the acute necessity for order and continuity of institutions and of everyday behavior. Other peoples, like the Arabs, had achieved institutional continuity, but even to this day they lack political stability. Wherever wealth and power had accumulated to a large extent, social conformity was demanded and regimentation was enforced to a marked degree and in a wide range of behavior. It is this sort of situation which Bagehot has described in the following passage.[1]

In early times the quantity of government is much more important than its quality. What you want is a comprehensive rule binding men together, making them do much the same things, telling them what to expect of each other — fashioning them alike, and keeping them so. What this rule is does not matter so much. A good rule is better than a bad one, but any rule is better than none; while, for reasons which a jurist will appreciate, none can be very good. But to gain that rule, what may be called the impressive elements of a polity are incomparably more important than its useful elements. How to get the obedience of men is the hard problem; what you do with that obedience is less critical.

To gain that obedience, the primary condition is the identity — not the union, but the sameness — of what we now call Church and State. Dr. Arnold, fresh from the study of Greek thought and Roman history, used to preach that this identity was the great cure for the misguided modern world. But he spoke to ears filled with other sounds and minds filled with other thoughts, and they hardly knew his meaning, much less heeded it. But though the teaching was wrong for the modern age to which it was applied, it was excellent for the old world from which it was learnt. What is there requisite is a single government — call it Church or State, as you like — regulating the whole of human life. No division of power is then endurable without danger — probably without destruction; the priest must not teach one thing and the king another; king must be priest, and prophet king; the two must say the same, because they are the same. The idea of difference between spiritual penalties and legal penalties must never be awakened. Indeed, early Greek thought or early Roman thought would never have comprehended it. There was a kind of rough public opinion and there were rough, very rough, hands which acted on it. We now talk of political penalties and ecclesiastical prohibitions, and the social censure, but they were all one then. Nothing is very like those old communities now, but perhaps a "trades union" is as near as most things; to work cheap is thought to be a wicked thing, and so some Broadhead puts it down.

The object of such organisations is to create what may be called a *cake* of custom. All the actions of life are to be submitted to a single rule for a single object; that gradually created the "hereditary drill" which science teaches to be essential, and which the early instinct of men saw to be essential too. That this *regime* forbids free thought is not an evil; or rather, though an evil, it is the necessary basis for the greatest good; it is necessary for making the mould of civilisation, and hardening the soft fibre of early man.

[1] From Walter Bagehot, *Physics and Politics*, 1873, pp. 25–31.

The first recorded history of the Aryan race shows everywhere a king, a council, and, as the necessity of early conflicts required, the king in much prominence and with much power. That there could be in such ages anything like an oriental despotism, or a Caesarean despotism, was impossible; the outside extra-political army which maintains them could not exist when the tribe was the nation, and when all the men in the tribe were warriors. Hence, in the time of Homer, in the first times of Rome, in the first times of ancient Germany, the king is the most visible part of the polity, because for momentary welfare he is the most useful. The close oligarchy, the patriciate, which alone could know the fixed law, alone could apply the fixed law, which was recognised as the authorised custodian of the fixed law, had then sole command over the primary social want. It alone knew the code of drill; it alone was obeyed; it alone could drill. Mr. Grote has admirably described the rise of the primitive oligarchies upon the face of the first monarchy, but perhaps because he so much loves historic Athens, he has not sympathised with prehistoric Athens. He has not shown us the need of a fixed life when all else was unfixed life.

It would be schoolboyish to explain at length how well the two great republics, the two winning republics of the ancient world, embody these conclusions. Rome and Sparta were drilling aristocracies, and succeeded because they were such. Athens was indeed of another and higher order; at least to us instructed moderns who know her and have been taught by her. But to the "Philistines" of those days Athens was of a lower order. She was beaten; she lost the great visible game which is all that short-sighted contemporaries knew. She was the great "free failure" of the ancient world. She began, she announced, the good things that were to come; but she was too weak to display and enjoy them; she was trodden down by those of coarser make and better trained frame.

How much these principles are confirmed by Jewish history is obvious. There was doubtless much else in Jewish history — whole elements with which I am not here concerned. But so much is plain. The Jews were in the beginning the most unstable of nations; they were submitted to their law, and they came out the most stable of nations. Their polity was indeed defective in unity. After they asked for a king the spiritual and the secular powers (as we should speak) were never at peace, and never agreed. And the ten tribes who lapsed from their law, melted away into the neighbouring nations. Jeroboam has been called the "first Liberal"; and, religion apart, there is a meaning in the phrase. He began to break up the binding polity which was what men wanted in that age, though eager and inventive minds always dislike it. But the Jews who adhered to their law became the Jews of the day, a nation of a firm set if ever there was one.

It is connected with this fixity that jurists tell us that the title "contract" is hardly to be discovered in the oldest law. In modern days, in civilised days, men's choice determines nearly all they do. But in early times that choice determined scarcely anything. The guiding rule was the law of *status*. Everybody was born to a place in the community: in that place he had to stay; in that place he found certain duties which he had to fulfil, and which were all he needed to think of. The net of custom caught men in distinct spots, and kept each where he stood.

What are called in European politics the principles of 1789, are therefore inconsistent with the early world; they are fitted only to the new world in which society has gone through its early task; when the inherited organisation is already confirmed and fixed; when the soft minds and strong passions of youthful nations are fixed and guided by hard transmitted instincts. Till then not equality before the law is necessary but inequality, for what is most wanted is an elevated *élite* who

know the law: not a good government seeking the happiness of its subjects, but a dignified and overawing government getting its subjects to obey: not a good law, but a comprehensive law binding all life to one routine. Later are the ages of freedom; first are the ages of servitude. In 1789, when the great men of the Constituent Assembly looked on the long past, they hardly saw anything in it which could be praised, or admired, or imitated; all seemed a blunder — a complex error to be got rid of as soon as might be. But that error had made themselves. On their very physical organisation the hereditary mark of old times was fixed; their brains were hardened and their nerves were steadied by the transmitted results of tedious usages. The ages of monotony had their use, for they trained men for ages when they need not be monotonous.

Regimentation as Exploitation. So strong was the demand for cooperation as distinguished from conflict, and so incapable were the masses of the people of providing cooperation of their own initiative and on terms favorable to their own interests, Bagehot believes, that in early times strong rule was much more important than just rule. Such very probably may have been the case, and such may sometimes still be true, even in our society. But we should not be led to suppose that a strong and a just control of social behavior are necessarily, or even normally, antagonistic. Theoretically strength and justice in social rule are always possible in the same situation, but actually in primitive — and even in modern — societies such a combination has been the exception rather than the rule. That degree of objectivity in thinking about social situations which becomes fairly easy with the development of the social sciences was doubtless mainly lacking to primitive leaders and even to the thinkers and rulers of much later times. Almost automatically they have viewed social problems from their own particular angles of advantage and frequently have not even realized that there could be any other point of view. Literature and tradition are full of examples that confirm this interpretation of thought in the age before the social sciences. And even now illustrations of a similar bias abound. In many other cases the masses of the people, without power to defend themselves, were regimented and exploited quite consciously and intentionally. It is this sort of regimentation in the interests of the ruling classes that Buckle describes in the passage that follows.[1]

Both in Mexico and in Peru, the arts, and particularly those branches of them which minister to the luxury of the wealthy classes, were cultivated with great success. The houses of the higher ranks were filled with ornaments and utensils of admirable workmanship; their chambers were hung with splendid tapestries; their dresses and their personal decorations betrayed an almost incredible expense; their jewels of exquisite and varied form; their rich and flowing robes embroidered with the rarest feathers, collected from the most distant parts of the empire; all supplying evidence of the possession of unlimited wealth, and of the ostentatious prodigality

[1] Adapted from Henry Thomas Buckle, *History of Civilization in England*, I, pp. 80–84.

with which that wealth was wasted. Immediately below this class came the people; and what their condition was, may be easily imagined. In Peru the whole of the taxes were paid by them; the nobles and the clergy being altogether exempt. But as, in such a state of society, it was impossible for the people to accumulate property, they were obliged to defray the expenses of government by their personal labour, which was placed under the entire command of the state. At the same time, the rulers of the country were well aware that, with a system like this, feelings of personal independence were incompatible; they therefore contrived laws by which, even in the most minute matters, freedom of action was controlled. The people were so shackled, that they could neither change their residence, nor alter their clothes, without permission from the governing powers. To each man the law prescribed the trade he was to follow, the dress he was to wear, the wife he was to marry, and the amusements he was to enjoy. Among the Mexicans the course of affairs was similar; the same physical conditions being followed by the same social results. In the most essential particular for which history can be studied, namely, the state of the people, Mexico and Peru are the counterpart of each other. For though there were many minor points of difference, both were agreed in this, that there were only two classes — the upper class being tyrants, and the lower class being slaves. This was the state in which Mexico was found when it was discovered by the Europeans, and towards which it must have been tending from the earliest period. And so insupportable had all this become, that we know, from the most decisive evidence, that the general disaffection it produced among the people was one of the causes which, by facilitating the progress of the Spanish invaders, hastened the downfall of the Mexican empire. . . .

The division of a nation into castes . . . was rigidly enforced in Peru; and what proves how consonant it was to that stage of society, is, that in Mexico, where castes were not established by law, it was nevertheless a recognized custom that the son should follow the occupation of his father. This was the political symptom of that stationary and conservative spirit, which . . . has marked every country in which the upper classes have monopolized power. The religious symptom of the same spirit was displayed in that inordinate reverence for antiquity, and in that hatred of change, which the greatest of all writers on America has well pointed out as an analogy between the natives of Mexico and those of Hindostan. To this may be added, that those who have studied the history of the ancient Egyptians, have observed among that people a similar tendency. Wilkinson, who is well known to have paid great attention to their monuments, says, that they were more unwilling than any other nation to alter their religious worship; and Herodotus, who travelled in their country two thousand three hundred years ago, assures us that, while they preserved old customs, they never acquired new ones. . . .

In Mexico and Peru, the lower classes being at the disposal of the upper, there followed that frivolous waste of labour which we have observed in Egypt, and evidence of which may also be seen in the remains of those temples and palaces that are still found in parts of Asia. Both Mexicans and Peruvians erected immense buildings, which were as useless as those of Egypt, and which no country could produce, unless the labour of the people were ill-paid and ill-directed. The cost of these monuments of vanity is unknown; but it must have been enormous.

Regimentation in Modern Italy. Our examples of regimentation on a national scale have so far been taken from the ancient peoples where, according to Bagehot, the practice was natural and necessary, because the absence of internal controls and self-discipline among the people

made necessary the imposition of rigorous external controls, and also where a regnant theory of class superiority sanctioned the exploitation involved. But rigorous exploitive regimentation on a national political scale is not unknown to the modern world. As a matter of fact it has had a marked revival since the World War, due perhaps in part to the growth of the militaristic and domineering spirit that this struggle gave rise to, and also in part to the increasing pressure of population upon the resources available for existence as a result of the frightful wastes incident to that war. We are no longer living under an expansive economy in which indiscipline and waste, conflict of energies and mutual sabotage of ideals, and a general disregard of the social welfare can be borne. In an economy of declining resources, in which insecurity increases and the surplus of wealth diminishes, there must be either a greater degree of social self-control, or such control will be imposed from without. If the control is externally imposed, there is great danger that it may be exploitive rather than socially beneficent. The present time of unrest and insecurity has been especially favorable to the growth of dictatorships, and it could scarcely be expected that such regimentation would be wholly in the interest of the people regimented. The following editorial states some of the trends of governmental regimentation in Italy.[1]

Mussolini has seized a time of national and international crisis to place in effect his long-projected scheme of the "corporate state." The result is to make even more effective than before the stranglehold of Fascism on every activity in Italy. The Council of Guilds, representative of occupations and industries, ostensibly will be Italy's legislative body. But over it will be the will and the iron hand of the dictator.

Previously, it had been the workers who had paid the chief price of Fascism, in higher living costs, reduced wage levels, crushing taxes, the outlawing of labor unions and of collective bargaining and strikes. But now major industry itself, originally the chief backer of Mussolini in his rise to power, pays the price, for the newest phase of Fascism is nothing less than nationalization of the large private industries.

It is an ironic note that the big industrialists originally began backing Mussolini to save themselves from the threatened seizure of their factories. Mussolini, in the early days of his career, expressed his faith in private enterprise, and took up arms against the Communist and Socialist elements that favored state control. Major industry, having raised Mussolini and Fascism to their eminence, now finds its assets seized by the state, with a difference only in form from what an avowedly left-wing government would do. Major industry has identified itself so completely with government in Italy that now the two are one, and Mussolini is supreme over all.

This is quite in line with Fascism's doctrine that the state must be supreme. The corporate form of government, now apparently in full effect in Italy with the departure of Parliament, has the following requirements, as set forth by Mussolini in November, 1933:

[1] From the St. Louis *Post-Dispatch*, March 24, 1936.

"There must be a single party through which, aside from economic discipline, enters into action also political discipline, which shall serve as a chain to bind the opposing factions together, and as a common faith.

"But this is not enough. There must be the supremacy of the state, so that the state may absorb, transform and embody all the energy, all the interests, all the hopes of a people.

"Still not enough. The third and last and the most important condition is that there must be lived a period of the highest ideal tension."

All these requirements have been met. Italy is ruled by one party, the state is supreme, the Ethiopian war effectively supplies the "highest ideal tension."

It is in the conception of the relations between the individual and the state that the chief differences arise between Fascism and democracy. Both face the same problems of how to adjust individual and group interests to those of the nation. The citizens of both are concerned with the national as well as their individual welfare. Mussolini is blunt in asserting that the state's interest is paramount, that civil rights and property rights must be suppressed.

The hope of democracy is a better life for the people. Fascism has a dream of national greatness, of imperial expansion, in which the common man must surrender his primary interests. Mussolini once told the Fascist Chamber of Deputies: "Fortunately, the Italian people is not yet accustomed to eating several times per day and, having a modest standard of living, feels want and suffering less." Now they are all bound together, the people and the big industries, tied to Mussolini's chariot as it plunges ahead to imperial greatness or destruction.

Regimentation in Germany. Modern national regimentation assumes many forms, not all of which can be described here. Some of the most important of these forms are military, economic, and political. We have discussed military regimentation incidentally in other connections, especially in the chapters on pacification and intimidation. The preceding illustration deals with economic regimentation in Fascist Italy. We may now turn to political regimentation in Nazi Germany. It is not to be supposed that a dictatorship could tolerate political dissent and survive. Such tolerance would constitute a constant invitation to disaffected and independent elements to plan the overthrow of the dictatorship, by means of the ballot if possible, or by the use of force if necessary. One of the most obvious means of preventing opposition by ballot is to take away the privilege of voting in opposition. Merely to limit the voting to the expression of approval is not quite as irritating as the total abolition of the practice of voting on public questions. Also the existence of such a positive or affirmative ballot is a convenient method of ascertaining the names of those who are opposed to the policies of the dictatorship. The Nazi practice is described in the following editorial.[1]

The results of Germany's "plebiscite" came up to the Nazis' highest expectations. They could not have been otherwise. Only one voting space, and that marked "Ja," appeared on the ballot. Nazis were in charge of the polls and counted

[1] From the St. Louis *Post-Dispatch*, March 31, 1936.

the votes. Of the 44,954,937 ballots, it is announced that only 543,026 were thrown out as invalid. These were the spoiled ballots and those on which daring dissenters wrote "Nein." The Hitler vote thus was 98.79 per cent of the whole.

Absentees from the polls totaled 473,704, making in all 1,016,730 eligible voters who did not cast their ballots for Hitler. How many of this million are anti-Nazis it is, of course, impossible to say. In view of the methods used, no valid conclusions whatever may be drawn from the vote figures, either as to the people's support of the Hitler policies or as to the extent of the underground opposition.

The whole thing can best be put down as an instance of a nation obeying a dictator's command in compliant fashion. A free ballot on Nazi foreign policies doubtless would show a high percentage of approval. On the other hand, a vote on domestic policies, if freely conducted, would disclose a large number of dissenters, in view of the Nazi tactics in the fields of labor, religion, economics, civil rights, etc. No free ballot can be expected in Germany so long as the Nazi regime endures, however. Yes-men, not independent thinkers, are what a dictatorship requires.

Regimentation in the United States. If government is ever to be "good" government, that is, government administered in the interest of the governed, surely it must be when the masses of the people have become sufficiently intelligent and well enough trained in self and social analysis to enable them to cooperate politically in the pursuit of their own welfare. Perhaps as yet the people have not achieved these results. Possibly the boasted political democracy supposedly established by the American and French revolutions of the eighteenth century and extended by means of other and more recent revolutions has been more or less in the nature of an illusion. Perhaps the masses yet require much more education and a great deal more discipline and practice in self and social analysis, to say nothing of much more effective schooling in common honesty and loyalty to social ideals, before they can achieve social self rule. Anyway, if the writers of the passage which follows below can be trusted in their analysis of the American scene, the people do not seem to be much less regimented in the interests of certain ruling classes even in present day America than they were in Mexico and Peru several centuries ago; although the methods employed in regimentation now and then differ in keeping with the general technological processes of the times.

Gradually considerable numbers of people seem to be coming to a realization that they are being regimented against their own interests by means of party machinery and party control. This dawning popular intelligence about things political is being helped out by the truths the rival party leaders sometimes tell about each other in the heat of party campaigns. Thus recently the accusation has been made by Republican leaders that the Democratic party is regimenting the people unmercifully through the N.R.A., the A.A.A., and other alphabetical organizations. This is of course true, whether the regimentation is

prompted by the ignorance of the political leaders or by their desire to aid one class of the people to exploit the other classes. But, as the following passages indicate, the Republican party does not come into the court of public opinion with entirely clean hands.[1]

Regimentation, after all, was hardly invented as a war cry of opposition to President Roosevelt's New Deal. I am old enough — and sufficiently recovered from financial shellshock — to remember with some vividness the great libertarian days under that truly forgotten man — Calvin Coolidge. In that sunny economic prime, if my recollection is sound, we were regimented too, but they called it standardization then, and in the ears of our governors it was good.

We were expected to believe that Mr. Coolidge, who refreshed the nation with a constant stream of economic platitudes and often took five-hour-long afternoon naps in the White House, was a strong, silent statesman, the herald of a new economic order of lasting prosperity, one of our two or three wisest and ablest presidents. We were insistently drilled and catechized in the faith that the summit of the nation's genius, virility, and culture had been reached in the business man. Drill sergeants and a ballyhoo of propaganda bugles summoned us to this archetypal American's frequent orgies of planless development.

Was a subdivision to be opened on trickily manipulated bank loans, with all the comforts of high-pressure salesmanship and inordinate prices for customers? Was a new industry to be floated by a local patriotism "drive" for stock subscribers and without any definite consideration of potential market and shipping facilities? Low persons who ventured to criticize the economic validity of such operations were branded by all the available agencies for inciting mass prejudice as "knockers" — the untouchables of current usage. If they happened to hold posts in the community — on faculties, on newspapers, or in public office where they could be reached conveniently — they were made to realize by silencing orders, by checks to their further advancement, or by summary dismissals that great, economically free regimenters knew how to function as autocratic executives. . . .

Taking up the torch from their superiors, lesser groups pressed onward toward sweeping regimentations of their own. The fundamentalists planned that knowledge of the principles of evolution should be kept from all members of the future generation except the small minority attending private schools; and then launched an attempt, which got at least as far as an enactment by the legislature of Oregon, to see that there should be no more private schools. The Ku Klux Klan darkened social, intellectual, and political life in a dozen states with the intolerances and disorders of a premature Naziism.

In industry, Mr. Henry Ford, announcing that every business was a "little monarchy," decreed how much and when his employes should drink and smoke, indicated where and according to what standards they should live, how they should spend their leisure time, and the size of the gardens they should cultivate. Other industrial titans applauded and went as far in enforcing similar ukases as the authority of more limited pay envelopes would permit.

All over the land the "spirit" of the employed force became the object of almost psycho-analytical scrutiny. In thousands of industrial and sales organizations pep meetings became more common than prayer meetings during a revival. The more it was hailed as the supreme art of civilization, the more salesmanship became a

[1] Adapted from Duncan Aikman and Hawley Jones, "The Bogey of Regimentation," *Harper's Magazine*, CLXIX : 642–645 (Nov., 1934).

matter of drilling the ranks in routine evolutions. In hundreds of department stores, for hundreds of thousands of traveling and house-to-house agents, drummers and canvassmen, the very words and phrases of sales argument and dialogue, the very mannerisms of ingratiation, of seduction and conquest were described and prescribed with a solemnity suggesting that stock turnover must be an affair for ritualists. Great artists in the specialty of "making them buy it and like it" dreamed of a day when sales registers' answers would be equally stereotyped. A San Francisco department store not unaptly caught the flavor of the era by requiring its employes, at opening and closing time, to stand at attention while the notes of a bugle floated down a great central well and in and out forests of counters, from books to lingerie. . . .

The "key men" of individualism's golden age were not interested in individualism at all in so far as it might have any connection with individuality, as it might have implied any development of the cultural and intellectual differences among different individuals. They were interested in creating, marshaling, disciplining, and ordering about a population of mental and emotional robots who would conduct their lives on two premises:

1. That the American business man was the salt of the economic earth and the rightly ordained dictator of the contemporary economic era.

2. That his acquisitive instincts, which were the essence of the nation's genius and, for all practical purposes, the total sum of that genius, must be left free and unfettered to dominate the intellectual, the aesthetic, the political, and the recreational life of our times.

This is the form of regimentation, or of would-be regimentation — since of course it never was entirely accomplished — which the individualism of the rugged geniuses of the Coolidge age amounted to. These knew the kind of regimentation they wanted; they had it; they intended to extend it and keep it. Now they want it back again. . . .

The liberty which they and their fellows cherish is the liberty of economic license for the fortunate few, even if this is secured at the expense of the helpless many. In their private lives they may esteem many kinds of personal freedom, but the solid core of their faith is the belief in complete liberty of action for those who possess. The regimentation that they fear with a most deadly fear is a regimentation that may lay hands upon their possessions. And this belief and this fear were not born under Coolidge. They are as old as time. They stand forever beside the haves in the eternal war with the have-nots.

Other Forms of Regimentation. Political regimentation is of course paralleled by religious, social, economic, and other types of regimentation. For example, the social regimentation of the caste system is universally recognized. Bagehot informs us that all of these agencies united in regimentation in the Greek and Roman and earlier civilizations. But social interests and processes have become increasingly differentiated as the complexity of social and industrial life has itself increased. Thus, in the Middle Ages Church and State set up rival systems of regimentation, both making the claim that they stood for that unity of cooperative effort without which civilization could not persist. The State's system of regimentation gradually won precedence over that of the Church, because the former seemed to offer more

practical and realizable rewards than the latter. And now a third great regimenting system, the economic, or financial-industrial-commercial, seems to be replacing both, or at least to be molding them to its own uses. This third system is still more practical and the rewards it offers (and sometimes pays) are very concrete and material. In the eighteenth century it captured the State in the form of bourgeois or middle class governments, just as the State had begun to capture the Church system as the result of the Reformation. All governments in industrialized countries today largely are under this third system's control. Even the European dictatorships which are undoubtedly strong coercive political movements in the direction of greater regimentation and conformity to nationalistic policies operate in the service of the great financial or economic interests and systems that dominate those countries.[1]

The economic system of regimentation merely works through the forms of political regimentation (the dictatorship) and of ecclesiastical regimentation (the hierarchy). As an illustration of this last fact we need but recall Mussolini's pact with the Vatican and the attempt of the Hitler regime to capture the official Lutheran Church in Germany and make it Nazi. Failing to do this completely and immediately, the Hitler group started a back fire by threatening to establish a pagan religion.[2] Despairing of adapting the state religion to the service of its new scheme for economic and social justice, the new Russian government abolished the state church and substituted a new religion of social justice, or perhaps of Marxism.

How Economic Regimentation Works — Propaganda. The new economic regimentation, operating through and under the guise of political control, makes use primarily of two great control devices — force, or war, and propaganda — and their numerous subsidiaries. Of these two, propaganda is the more subtle, economical, and ingratiating, and is therefore generally preferred. The following illustrative case shows how the educational system is being used to back up the politico-economic dictatorship in Germany.[3]

Since the assumption of power by Chancellor Hitler, even education in Germany has taken on entirely new aspects. The country which has always been famous for the great liberty allowed its teachers to spin out freely all kinds of theories now hears only conceptions favorable to the present Government. The German university is definitely recognized and supported, by all leaders and most especially by

[1] See Ernst Henri, "The Man Behind Hitler," adapted from *The Living Age*, CCCXLV : 117–123 (Oct., 1933).

[2] See Douglas L. Reed, "The German Church Conflict," *Foreign Affairs*, XIII : 483–498 (April, 1935). See especially pp. 484–485.

[3] Adapted from Robert T. Ittner, "Hitlerizing German Education," the St. Louis *Post-Dispatch*, Oct. 9, 1933.

Minister for Propaganda Goebbels, as a continuously important center for propaganda.

The presentation of propaganda for the Nazi regime is by no means limited to courses in history, or political science, or even economics, but is to be found to just as great an extent in lectures on literature and philosophy. . . .

Shortly before the opening of the summer semester, April 25, the new rector of the University of Freiburg was appointed. He is Prof. Martin Heidegger. . . . Heidegger had formally joined the ranks of the National Socialist party some two weeks before. But the nature of his utterances, and the vigor of the measures he carried through at the university, showed that this was by no means opportunism on his part. His lecture course on "The Fundamental Questions of Philosophy" contained only strong eulogies of the Nazi movement, and of the new Government, embellished with a few philosophic terms. There was no philosophy in the course; and certainly the possible excuse — that of an attempt to handle a vital question philosophically — cannot be accepted, in view of the utter lack of objectivity. But it must be remembered that Heidegger felt no need whatsoever of an apology for presenting only propaganda. . . .

Some men who did not attempt to pour out propaganda in their lectures expressed their favorable attitude toward the new Government by a sudden revision in the judgments of their own material. This could, for example, be observed in the case of Prof. Witkop. He had been interested only in good German literature, and had not concerned himself with the race or the political affiliation of the writers producing it. After having been a most enthusiastic admirer of Thomas Mann, whose republican ideals, Social Democratic sympathies and interests in international co-operation are no secret, Prof. Witkop discoursed only on Mann's style, or perhaps mentioned the subject matter in a more or less disapproving way.

In lectures on the contemporary German novel, Prof. Witkop did not even mention the name of Jacob Wassermann, supposedly because he is a Jew. Wassermann's work was known and admired among Germans (and still is, though not openly) as much as that of anyone else, except perhaps Mann's. That fascinating novel, "Alexanderplatz," by Doeblin, presenting the spirit of all Berlin, despite the fact that its characters are from a rather low and unconventional class, was also completely ignored. And it must be remembered that these omissions were not due to a lack of time, for a goodly number of authors and books were commented upon of which many German students had not even heard. . . .

Regimentation through Sports. Sports and amusements, as we have seen in an earlier chapter, have long been recognized as an effective method of directing the attention of people away from public affairs with which it was thought inexpedient to have them concern themselves. Sports can also be employed as a means of regimentation, as in the case of Tom Sawyer's device to get his fence painted, or in the tournaments in the days of chivalry by means of which fighting men were practiced in the use of arms. Muster days in colonial times and in the early days of citizen military training in the United States were regarded as holidays and sports days, much as are the great national athletic events of Germany and Russia of the present time, which nevertheless are employed consciously, if indirectly, for military and political purposes. The organization of all classes, including even

small children, in Italy and Germany into patriotic clubs and drill groups is primarily a method of militaristic and political regimentation masquerading in large measure under the guise of sports. The following continuation of Ittner's article quoted above illustrates the use of this method of employing sports for militaristic regimentation in Nazi Germany at a time when military training had to be carried on under some degree of camouflage.

Heidegger as rector has established the system of "Wehrsport" — defense sport — at Freiburg. Every Wednesday afternoon, from 2 : 30 to 7 : 30, is devoted to drilling, marching, falling down, crawling along and going through other exercises of the prospective infantry soldier. True, there are no guns, and the wearing of uniforms is not absolutely compulsory. Once every two weeks, usually on Sunday, field excursions are conducted. These last from 8 in the morning until 7 or 8 at night, and consist in marching over the hills and through the woods of the Black Forest lying in three directions around Freiburg. The men are instructed in finding directions in the woods, in advancing carefully in the supposed presence of the armed enemy and in keeping in constant communication with groups that had been left behind. A third part of this aspect of the new student life is constituted by the required weekly "evenings of comradeship," during which the students are instructed in the propaganda of the Government.

All members of the "Studentenschaft" — the student body — are required to take part in these exercises. The "Studentenschaft," as understood today, means not all students, but only students of German nationality who have no Jewish blood in them from as far back as their grandparents, and also those who were not followers of the Communist party before its formal dissolution. It must be said that checking up on past political affiliation is an easy matter because those sympathies were expressed not only by the secret ballot but also by actual inscription on the lists of the respective parties. Since, of course, membership in the National Socialist party is a necessary condition of even a bare livelihood, the future is practically blocked for the two groups of people mentioned above.

The German university of today presents an entirely new picture. The old days of carefree, romantic life have long disappeared, because of the impoverished condition of the country. But the coming of the Hitler regime, with its system of strict discipline, has removed almost all of that fine academic freedom which has in the past produced such splendid results.

Use of Force in Economic Regimentation. This article shows that preparation for war as a supplement to propaganda was going on in the German universities (as well as in other groups) at least as early as 1933. Force, which in its supreme collective form is war, is the second resort of modern economic regimentation of the people and of peoples through political channels. In foreign relations the political set-up is imperialism. In domestic situations the militia and the police, and sometimes the standing army, are used to quell strikes and put down organized resistance in the form of riots and revolutions, or to compel conformity.[1] Already we have dealt with some of these regi-

[1] See Paul Y. Anderson, "Tear-Gas, Bayonets, and Votes," *Nation*, CXXXV : 138–140 (Aug. 17, 1932), and "Bombs and Bayonets for the B.E.F.," *Literary Digest*, CXIV : 3 (Aug. 6, 1932).

mentation procedures, especially with strikes, in preceding chapters. Here we shall merely quote a brief statement by one of our leading industrialists on the necessity of regimentation of public opinion and the use of censorship in order to make a whole people support wars. These wars, like the Great War of 1914–1918, are of course economic wars undertaken in the interest of the third or economic regimentation system referred to above. The quotation, with the comments of the authors from whom it is taken, follows.[1]

> The 22d of May, 1931, before the War Policies Commission — under the chairmanship of Patrick Hurley, Mr. Hoover's Secretary of War — there appeared Herbert Bayard Swope who testified as follows: "Enlightened and informed public opinion in war is ideal, but the plan is dangerous. We must have a stencil. If we take the muzzles off the dogs of war, we must put the muzzles on the people. . . . Public opinion must be conscribed. . . . *The regimentation* [our italics] and goose stepping of public opinion is one of the inescapable processes of war making. Thinking along independent lines must be stopped. . . . Censorship must prevail. . . . It is rare — it is never — that a nation is instantly galvanized into the vast emotionalism that is needed in war. The real causes are too remote from the individual. The issues, colored and excitative, must be brought home to each." Here are explicit statements surely, and the word regimentation is not missing. Strange that Americans could have died in the Argonne for something [liberty] declared dangerous.

Regimenting a Cause — Revolution. We have referred to the fact that there is sometimes revolt against these systems of regimentation. In early times such revolts were generally spasmodic and poorly organized and they usually failed. Often still they are poorly organized and fail. Such is frequently the case with strikes. As revolution becomes increasingly difficult, because of the counter organization against revolution referred to in Chapter XV, revolutions themselves come to be carefully planned and the revolutionaries are increasingly regimented in the interests of the revolution. Many regimenting devices have been used in order to condition the revolutionaries so strongly to their cause that they will not abandon it under the terrific pressure which is brought against them in the course of the revolution. Oaths of loyalty, sometimes calling down upon the deserter the most fearful punishment by human and supernatural powers, have been employed to impress the superstitious and the conscientious. Elaborate ceremonials and rituals are sometimes developed for the purpose of increasing the strength of the mystical ties that bind the adherent to the cause and to instil in him a stronger fear or repugnance at the thought of disloyalty. In some cases these rituals have even bordered on the demoniacal. Political creeds, dogmas, mottoes, slogans, vows,

[1] Duncan Aikman and Hawley Jones, *Harper's Magazine*, CLXIX : 646 (Nov., 1934).

and principles are taught and repeated until they become fanatic elements of the beliefs and motivation of the revolutionists. The principles may even take the form of a catechism, as is the case in the illustrative account reproduced below. As a result of such devices the adherents of the revolution may become firmly and permanently conditioned in their loyalty to the cause. Renan, after describing a solitary revolutionary he knew in his youth, makes the following penetrating remarks about the type:[1]

> I remembered how the few disciples of the Jacobite School whom I had known were ardently attached to the recollections of 1793–94 and incapable of dwelling upon anything else. The twelve-months' dream was so vivid that those who had experienced it could not come back to real life. They were ever haunted by the same sinister fancy; they had a delirium tremens of blood. They were uncompromising in their belief, and the world at large, which no longer pitched its note to their cry, seemed idle and empty in their eyes. Left standing alone like the survivors of a world of giants, loaded with the opprobrium of the human race, they could hold no sort of communion with the living.

General Application of the Method — a Case. But it is not alone in political revolutions that these symbolic methods of regimentation are so effectively employed for purposes of conditioning the neophyte to enduring loyalty. They are equally effective in religious, social, and moral revolutions as well, and even in counter-revolutions and in causes that are not strictly speaking revolutionary. But they are perhaps best illustrated by their employment in revolutions and in causes or institutions suffering strenuous attack. Only where there is a large degree of stress of conflict will people usually undergo such active regimentation successfully and without disintegrating protest. Such methods we are told were employed by the mystery religions of ancient Greece and of the ancient orient and were necessary to hold the membership together under the strain of the attacks made upon them. They have been operative also in such social revolutionary organizations as the Carbonari, the Camorra, the Russian Nihilistic groups, and in the formation of the morale of the Society of Jesus. They survive in form, if not in spirit, in such now peaceful fraternal associations as the Free Masons. They were also used, it is said, by many of the pirate bands that formerly operated on the high seas. In the case of the less revolutionary organizations much of the work of regimentation done by the more strenuous methods in revolutionary groups is often performed successfully by rules and regulations, commemorative holidays, speeches, badges, greetings, hand shakes, the repetition of commonplace beliefs and principles, and a host of other minor devices. Even business organizations, schools, clubs, athletic

[1] Ernest Renan, *Recollections of My Youth* (G. P. Putnam's Sons, New York, 1883), pp. 95–96.

associations, and what not, use these milder means of regimentation and are largely dependent upon them for necessary discipline. The institution of feudalism, like modern government and the church, employed all sorts of customary, traditional, ritualistic and ceremonial, as well as legal, devices in order to hold its organization together. Illustrations of the effectiveness of symbolic devices for purposes of regimental control are almost without limit, but the following case will perhaps adequately meet our needs.[1]

The Society of the Families was organized at the close of the year 1834. Around Messrs. Blanqui and Barbes, its founders, there grouped themselves . . . almost all of the middle class of society — students, clerks, men living upon their rents, etc. — having already been conspirators among the ranks of the Rights of Man.

The act of reception which had been accompanied with no form in the preceding societies, consisting merely of a promise of adhesion to the statutes, became a matter of importance in the Families, and was surrounded with mysterious solemnity.

The candidate for admission was subjected to a preliminary examination upon his course of life and his opinions, and if the result proved favorable to him, he was notified to hold himself in readiness for the initiation. The members of the society by whom he was to be introduced, went for him, took him into an unknown place and bandaged his eyes. There, without knowing whom he had to deal with, or what was going on, he remained in waiting. A board of examiners, consisting of a president, an assessor, and the introducer, then examined him. The president taking the word, pronounced the following formula: —

"In the name of the executive committee, the proceedings are now open. Citizen assessor, why are we assembled? To labor for the deliverance of the people and the human race. What are the virtues of a true republican? Sobriety, courage, force, and devotion. What penalty do traitors deserve? Death. And who should inflict it? Every member of the society who receives orders to do so from his chiefs."

This was the prologue of the piece; a scene designed for making an impression upon the imagination of the candidate. The part to be played by the candidate was to commence only after this formula had been gone through with.

The president addressed him in these terms: —

"Citizen, what is thy name? thy surname? thy profession, and the place of thy birth? But before proceeding farther, take this oath: I swear to observe the strictest silence upon what is to take place in these precincts. Thou must know that before admitting thee into our ranks, we have taken note of thy conduct, and of thy morality; the reports addressed to the committee are favorable to thee. We now address thee the necessary questions: —

"Is it thy labor or thy family that supports thee?

"Hast thou ever been a member of any political society?

"What thinkest thou of the government?

"In what interest is it occupied?

"Who are, at the present day, aristocrats?

"What is the right in virtue of which the government rules?

"What is the predominant vice of society?

[1] Adapted from Lucien de la Hodde, *History of the Secret Societies of France*, 1856, pp. 203–209.

"What takes the place of honor, probity and virtue?
"Who is despised, persecuted, and outlawed?
"What thinkest thou of city tolls, and taxes upon salt and drinks?
"Who are the people?
"How are they treated by the laws?
"What is the lot of poor people under the government of the rich?
"What ought to be the basis of a regular system of society?
"What ought to be the rights of the citizen in a well-regulated country?
"What are his duties?
"Must a political revolution be made, or a social one?"

One may guess the answers of the candidate to these questions: the government was traitorous to the people and the country; it labored for the interest of a small number of bankers, exchange brokers, monopolists, great proprietors, exploiters of man by man. The right of the government consisted only in force; the predominant vice of society was egotism; what held the place of honor, probity, and virtue, was money; esteem was granted only to the rich and powerful; contempt and persecution were the lot of the poor and the weak. City tolls and taxes upon salt and drink were to be looked upon only as an odious means of increasing the riches of the rich at the expense of the poor. The people were the aggregate of the working classes, and their condition was slavery; the lot of the poor man was that of the serf and the negro. The basis of a regular system of society was equality. The rights of the citizen were summed up as follows; assurance of existence, gratuitous instruction, and participation in the government; and the duties of the patriot were devotion to society, and fraternity towards fellow-citizens. As to the kind of revolution which was to be made, that must be a social one.

The president continued in these terms: —

"Has the citizen who made overtures to thee, spoken to thee of our object? Thou oughtest to have some idea of it from the character of my questions; but I am going to explain it to thee still more clearly. The oppressors of our country endeavor to keep the people in ignorance and isolation; our object is to disseminate instruction and form a fasces of the forces of the people. Our tyrants have proscribed associations and the press, and our duty is to associate ourselves with renewed perseverance, and to supply the place of the press by a propagandism of viva voce; for thou knowest well that the arms which our oppressors have forbidden us to use are those which they fear the most. Every member is bound to spread republican doctrines and to prosecute an active and indefatigable propagandism.

"Ultimately, when the horn shall sound, we must take arms for overthrowing a government which is traitorous to the country. . . . Wilt thou be with us on that day? Reflect well. It is a perilous enterprise; our enemies are powerful; they have an army, and treasury, and the support of foreign kings; they reign by terror. But we, on the contrary, poor working folk, have nothing but our courage and our good right. Hast thou the resolution to brave these dangers?

"When the signal for the fight shall be given, wilt thou be ready to die, arms in hand, for the cause of humanity?"

The candidate having replied in the affirmative to this last question, the president requested him to arise, and then continued as follows: —

"Citizen, here is the oath which thou must take: I swear never to disclose to any person, not even to my nearest relations, anything that is said or done among us. I swear to be obedient to the laws of the association; to pursue with my hatred or my vengeance the traitors who may insinuate themselves among us; to love and serve my brothers, and sacrifice my liberty and my life."

The neophyte having pronounced the oath, was proclaimed a member of the association. The president then requested him to be seated, and proceeded thus: —

"Hast thou arms and ammunition? Every one on becoming one of our number must have a quantity of powder, a quarter of a pound, at least; and he must procure two pounds more for his own use. There is nothing done in writing in the association; thou wilt be known only by the new name which thou art to adopt. In case of being arrested thou must never make any answers to the examining judge. The committee is unknown; but the moment that the fight is given, it is obliged to make its appearance. It is expressly forbidden to take to the streets, unless the committee puts itself at the head of the association. During the fight, the members must obey their chiefs with all the rigor of military discipline.

"If thou art acquainted with citizens who are sufficiently discreet to be admitted among us, thou must present them; every citizen of discretion and good will, deserves to enter our ranks, whatever may be his degree of instruction; the society will complete his education."

At these words the bandage was removed from the eyes of the candidate, and nothing remained to complete the ceremony except his announcement of the new name which he wished to bear. . . .

The neophyte having been admitted, was duly impressed with regard to his duties by his sponsor, who generally became his immediate chief. The first of these duties was to furnish powder and munitions; the second, to be in readiness to obey the orders which should be given him; the third, to observe absolute discreetness, and the fourth, to labor at propagandism. He was also informed that he would be called on now and then to take a part in the meetings of the particular Family of which he was a member. . . .

In these meetings of the Families the chief called for an account of the proceedings of his men, as well concerning their supplies of munitions as their efforts at propagandism; received information of requests for admittance, and fixed the day for receptions. When the group became too numerous, one of its members was designated for forming a new one. The number of men in each Family was not to exceed a dozen. It was expressly prohibited to assemble in public places, coffee-houses, wine-shops, etc. Some member of the Family was to lend his house for the meetings. The affairs of the association having been examined into, the chief made a short address and the meeting was dismissed.

A certain number of Families received directions from a chief called the chief of section; the chiefs of section were under the orders of commandants of quarters, and these latter were under revolutionary agents who were to communicate with the committee. But this committee was nothing less than the revolutionary agents themselves; that is to say Messrs. Blanqui, Barbes, and Martin Bernard. The committee was to remain wholly unknown until the day of battle, when it was to make its appearance and lead the members to the onset.

This association was very simple; but from its very simplicity, its discipline and measures of prudence, it seemed likely to become a force of very serious importance. The care which M. Blanqui had taken to isolate, as it were, his soldiers, excluding them from a knowledge of important acts, secured him against treachery. A single member knew only the names of those who belonged to his Family; and hence, the secret which he might tell was limited to a matter of trifling consequence. As to the commandants of quarters, they were chosen from among old patriots whose fidelity, it was thought, could be depended on; but alas! among the most ancient democrats, even such as have rotted in prison, there is often found a sly dog who puts on the skin of the wolf for the purpose of better strangling the wolf. In spite

of the thousand precautions on the part of M. Blanqui, his mysterious proceedings were scented out and delivered over to the police. . . .

Propagandism, under practised agents and a multifarious direction, penetrated the obscurest retreats. The workshop, especially, was beset with emissaries; for the principle of M. Martin Bernard was recognized as excellent — it was in the laboring classes, credulous and easily impressionable, that the insurrectionary army would find its best soldiers. In order to reduce these soldiers to the necessary severity of discipline, it was decided to give more form to the doctrines of the society, and to the ceremony of reception. The mind of the member must be struck by a forcible impression; a sentiment of revolutionary duty must become fanaticism, and political hostility a frenzy.

The formula of the Families which we have given, served as a basis to that of the Seasons; but it will be seen that the latter is marked by a much greater severity of language, and by a solemnity calculated to make a much deeper impression upon weak minds. The text, together with the responses which the candidate was to make, being prompted by his sponsor in case of embarrassment, was as follows: —

The candidate was first introduced with his eyes bandaged.

The president then demanded his name of the introducer, and said: —

"Citizen (the name), what is thy age? thy profession? thy birthplace? thy domicile? What are thy means of livelihood? Hast thou reflected upon the step which thou art taking? upon the obligation which thou hast just taken? Knowest thou that traitors are smitten with death?

"Swear then to disclose to no one the things that shall take place here.

"What thinkest thou of royalty and of kings?"

"That is execrable; that kings are as fatal to the human species as tigers are to other animals."

"Who, at the present day, are the aristocrats?"

"The aristocracy of birth was destroyed in July 1830; the aristocrats now are the rich, who constitute an aristocracy as devouring as the first."

"Is it enough merely to overthrow royalty?"

"All aristocrats whosoever must be destroyed, and all privileges whatever; for otherwise nothing would be accomplished."

"What must we put in their place?"

"The government of the people by the people; that is to say, the Republic."

"Those who have rights without fulfilling any duties, such for instance as the aristocrats — are they a part of the people?"

"They ought not to be considered a part of them; they are to the body politic what the cancer is to the human body. The first condition of the restoration of the body to health is the extraction of the cancer. The first condition of a restoration of the body politic to a proper state is the annihilation of the aristocracy."

"Can the people govern itself immediately after a revolution?"

"The body politic being gangrened, heroic remedies are necessary for bringing it to a healthy state. The people would still have need, for some time, of a revolutionary power."

"What then, in short, are thy principles?"

"To exterminate royalty and all the aristocrats; to substitute in their stead the Republic, that is to say, the government of equality, and for the attainment of this government, to employ a revolutionary power which is to prepare the people for an exercise of their rights."

"Citizen, the principles which thou hast just announced are the only just ones, and the only ones which can direct the march of humanity towards its manifest

destiny; but their realization is not easy; our enemies are numerous and powerful; they have at their disposal all the forces of society; as for us, republicans, our very name is proscribed; we have nothing but our courage and our good right. Reflect, for there is still time, upon the danger to which thou art exposed in entering our ranks: the sacrifice of fortune, the loss of liberty — death, itself, perhaps — art thou decided to brave them all?

"Thy answer is the proof of thy energy — arise citizen, and take the following oath: —

"In the name of the Republic I swear eternal hatred against all kings, all aristocrats, and all the oppressors of humanity. I swear an absolute devotion to the people, and fraternity to all men except aristocrats; I swear to punish traitors; I promise to give my life and to mount even upon the scaffold should this sacrifice be necessary for the reign of the sovereignty of the people and of equality."

The president then put a dagger in his hand.

"May I be punished with the death of the traitor, may I be stabbed with this dagger, if I violate this oath. I consent to be dealt with as a traitor if I disclose the least thing to any individual whatever, even though my nearest relation, unless he is a member of this association."

After the neophyte had taken this oath, the president resumed: —

"Citizen, be seated; the society received thy oath; thou art now one of the association; labor with us for the enfranchisement of the people.

"Citizen, thy name will not be uttered among us; here is thy number in this workshop —. Thou art to provide thyself with arms and ammunition. The committee by which the society is directed will remain unknown until the moment of taking arms. — Citizen, one of thy duties is to spread the doctrines of the association. If thou knowest devoted and discreet citizens, it is thy duty to present them to us."

The Transition from Regimentation to Standardization. The transition from regimentation to standardization has been gradual and is by no means complete or final. In fact, it is much easier to distinguish between the two methods of social control in terms of theoretical statement than in practice. But that there is an essential difference we have shown earlier in this chapter. This distinction can perhaps best be indicated by means of an example. The German policy of national self sufficiency as carried out under the Nazi regime has resulted in the regimentation of the citizens with respect to the consumption of household articles and the saving of waste products, but the regimentation is carried out as far as possible along standardized lines, as the following excerpt from a recent article on "Synthetic Living in Germany" shows.[1]

In Germany today if a citizen is not parsimonious by nature, he is forced to be so by law. Nothing is wasted. Retailers have been instructed to use as little paper as possible for wrapping parcels; and no string. Toothpaste tubes carry the words: "This tube must not be thrown away." Women must do without rubber in their garters. Toy balloons for the kiddies are banned.

[1] Condensed from Vernon McKenzie's *Through Turbulent Years* (Robert M. McBride and Co., New York, 1938) in *Reader's Digest*, April, 1938, pp. 81–83.

Government regulations provide that *every* housewife collect no less than seven categories of waste material: rags; articles made of copper, nickel, tin, aluminum, lead, etc.; iron and steel scraps; waste paper; rabbit skins; bottles; bones. Specially licensed dealers come around and collect these.

It takes a lot of skilful doing for a German housewife to provide a good dinner. "This is my first whipped cream in three weeks," explained my hostess one evening. "I have it now only because several days ago I explained at my shop that I expected a foreign guest, and asked as a special favor that a bit of cream be saved for me."

"You have cards for dairy and meat products?" I asked.

My hostess answered: "No. But each shopkeeper has a 'customer's card' and a record of your last year's purchases. Then he allows you 80 per cent of 'normal' requirements. A food card would be too reminiscent of 1918 days."

Butter and other fats can be procured only from a regular supplier. One family moved to the other side of Berlin, and for weeks until red tape could be untangled had to travel across the entire city to get these products. Each German is entitled to half a pound of butter — usually mixed with a substitute — and half a pound of margarine a week. There is even *ersatz* (substitute) margarine on the market, made of fats extracted from wood. At first this was used as a grease for machinery, but after trying it on prison inmates, the Ministry of Health pronounced it edible.

Meats must also be bought from the same shop, month after month, and late-comers have restricted choice or none at all. The previous day my hostess had asked for beef. There was only mutton, and veal at 80 cents a pound. Fifteen thin carrots cost 20 cents.

I complimented my hostess on her cake. "Better than I have had anywhere else in Germany," I remarked.

"I'm not surprised," was her reply. "German flour is no longer real wheat flour. By law it must be mixed with potato flour, corn — and, I suspect, occasionally with wood fiber! Please don't ask me how I obtained this. I break the law only on very special occasions." . . .

In this frenzied drive for economy, an official decree states that "it is the duty of every citizen to see that the dead shall not be buried in expensive materials."

German barbers are collecting about 300 tons of men's hair annually, for hair as short as one third of an inch can be utilized in making carpets and roofing felt. And German scientists expect to convert horse chestnuts into oil and fat.

Goering has warned mine operators that their plants may be taken over if they do not bend every effort to extract nickel, copper, and coal from low-grade ore, even though it is "temporarily" uneconomic.

Powerful Nazi propaganda constantly insists that in respect to food and other vital supplies Germany is in the position of a "blockaded country," a "beleaguered fortress." Grumblers experience the weight of organized community pressure, and in extreme cases are "visited" by the Gestapo. Hence, the Germans have adapted themselves with notable patience to the various interferences with their private and business lives.

The Examination System. Examinations are normally methods of standardizing and labelling candidates for positions or of classifying people otherwise according to their presumed fitness for some particular function on the basis of standardized tests. There are many types of standardized tests, including academic examinations, civil service examinations, intelligence tests, character tests, health tests, tests of

various skills, etc. Examinations and tests not only aim at the classification and ranking of people according to a standardized procedure on a curve of their relative fitness, for some particular function, but they frequently — perhaps usually — serve the purpose of regimenting the people examined according to a particular scheme of things. Thus the school examinations are perhaps more effective as a means of impressing upon the pupils the importance of imbibing the standardized culture of the group and thus of regimenting them in conformity with that culture than they are for the purpose of classifying the pupils with reference to their fitness to perform specified functions in the future. Even in the case of civil service examinations, which are ostensibly devices for classifying people in standardized categories on the basis of their fitness to perform, this same principle may hold true. Such was obviously the case with the Chinese civil service examinations described below, which aimed more at the preservation of a uniform national culture than at the direct determination of fitness for public service.[1]

The literary examination system was not a minor technical political device. For twenty centuries it occupied a central position in Chinese society. It furnished the sole gateway for the attainment of social prestige and distinction; it controlled the entire educational program of the nation; it dominated all political life and had very great economic significance. The system was one of the most distinctive features of Chinese civilization and constituted an institution unmatched by any other nation in the world.

The civil service examination system developed gradually through many centuries, growing out of some of the most fundamental mores in Chinese society. The "Classic of History" (compiled between 1500 B.C. and 700 B.C.) tells of the practice of the emperor Shun (2250 B.C.) as examining his officers every three years and after these examinations either promoting or dismissing them. At the beginning of the Chou dynasty (1100 B.C.) the government examined not only the officials already in office but also the candidates for appointments. Under the powerful Han dynasty (221 B.C. to 220 A.D.), which centralized the government and gave final official sanction to the Confucian doctrines, the earlier informal practice of examinations was organized into a definite system in 29 B.C. The examinations were reorganized in the early part of the seventh century, by the emperor, T'ang T'ai Tsung, and continued from then with but minor changes until their abolition in 1905 by the late Empress Dowager. Thus the examination system gradually developed out of the earliest customs of Chinese society, acquired a definite institutional structure, and was served by a distinct group of functionaries, the officials and literati, who supported and perpetuated it.

All education in classical China was of a private character, but it was carried on with but one goal in view, that of passing the government examinations. The sole criterion of scholarship and the only means of gaining scholastic recognition and becoming a member of the literati lay in successfully passing the official examinations. As the examinations were based on the Confucian classics, the work of the

[1] Adapted from Paul F. Cressy, "The Influence of the Literary Examination System upon the Development of Chinese Civilization," *Amer. Jour. Sociol.*, XXXV : 252–259 (Sept., 1929).

schools was confined entirely to these subjects and there was not the slightest incentive to investigate any other fields of knowledge. For two thousand years the civil service examinations directed and molded all formal education in China.

The examination system, moreover, constituted the sole means of entrance into political life. The fundamental purpose of the institution was to select government officials. From the most ancient times the scholar group has been accorded a place of leadership in Chinese life and the literati have been looked to by common consent as the best fitted and most entitled to become officials. All of China's great scholars and philosophers have been government officials, many of them spending long periods of their life in political posts. Only those who had obtained the highest examination degree were eligible for official appointment.

The most certain means of acquiring great wealth lay in becoming an official. Family clans often invested large sums of money in the education of their more brilliant students in the hope that they might eventually gain official rank and then they would be able to reimburse the family a hundred fold. Merchants and traders never had great social prestige in Chinese society and although some of them from time to time amassed large fortunes it was the official group who were not only the most honored but were also usually the wealthiest class in China. The examination system furnished a gateway to assured economic success.

A final indication of the central place which the civil service examinations had in Chinese life is to be seen in the social prestige which was attached to the degrees obtained in the examination. The liberal professions of law, medicine, and religion as they are known in the West never existed in China. There was but one socially distinguished profession, that of the scholar. China never developed an important hereditary noble class. Each generation had to stand on its own merits and prove its right to place and privilege. For twenty centuries the highest ambition of every Chinese was to become a scholar, to pass one or more of the examinations, and thus obtain the right to wear a mandarin's costume, to fasten a symbolic button on his cap, and to erect a pair of "dragon poles" in front of his home. The passing of the various grades of the examination system provided admittance into the coveted ranks of successively higher grades of prestige and honor; this was the one sure road by which a man might become a personage, be honored and respected by all society, and shed untarnishing luster on his family name. No Olympic victor in the days of ancient Greece was ever more honored than the victor in the final examinations in Peking. Great processions met the returning hero. All the honors society could give were his, with official banquets and great feasts. . . .

The aspirations of the entire nation were bound up in this institution. The right to compete in the examinations constituted the highest privilege of citizenship and the emperor could bestow no greater favor than the granting of an extra provincial examination. . . .

That China has been able to maintain a political and cultural unity for so long a period of time is a very remarkable accomplishment. The seeds of disunion, moreover, were ever present: long isolation produced numerous local dialects in different parts of China which were quite unintelligible to other Chinese, local customs sprang up and provincial loyalties constantly decreased the authority of the central government, there were frequent local rebellions and many foreign invasions. But there was nevertheless an underlying cultural unity which bound the nation together. Though the spoken language varied, the written language remained the same throughout the empire. In all parts of the nation the scholars preparing for the official examinations studied a common set of books, memorized the same teachings of Confucius, used the same written language, and became loyal to a common set of

traditions and cultural ideals. The examinations were uniform throughout the empire and they furnished a common ambition and focus of attention to the leaders of Chinese society. Thus the examination system was very effective in preserving the unity of Chinese culture.

The Examinations also greatly aided in maintaining the political stability of the nation. The democratic character of the examinations enabled the government to recruit its officials from the best intellectual material in the empire. Places of power could not be inherited by degenerate sons of noble ancestors nor could the emperor appoint ignorant favorites to official positions. The examinations offered the opportunity of an honorable career to the most ambitious, talented, and turbulent spirits in the country. By the time the successful candidates had entered office their interests and energies had been molded into conformity with the existing order, and latent revolutionary ideas or purposes had been crushed out and the scholar-officials uniformly became defenders of the *status quo*. Having obtained their honors in the examination halls they had definite interests in seeing that the established government was supported and their honors thus protected. The literati, the leaders of the nation, were always on the side of law and order, opposing all change or revolution and supporting the imperial throne.

When Standards Degenerate into Ritual. Originally these examinations appear to have been standardized on the basis of merit, but later they retained their conformity to the teachings of Confucius, even when such teachings no longer met the adjustment needs of the nation. Then they came to be used primarily as a means of regimenting the thought and opinions of the public servants in order to render them conservative supporters of the existing social system. Aside from the fact that only people of good intelligence could survive the process of regimentation and become scholars, the examinations no longer performed a service function to the common welfare. This is what always happens when standards, however useful they may have been when first instituted, are allowed to lapse into mere custom and ritual. Then they serve the function of regimentation rather than that of standardizing behavior in the direction of efficiency and the protection of the public welfare. In fact, at the best, they rather illustrate Bagehot's principle of maintaining a government, even though a bad government, primarily for the sake of continuity and order. Obviously, progress could not be made until this outmoded system was broken down and replaced by a better one standardized to current needs, since it had become an instrument for the exploitation of the people and for the maintenance of the status quo rather than for the promotion of good government and progress.

In the form in which the Chinese examinations existed until recently they constituted a ritual. Ritual may partake of the nature of either regimentation or of standardization. In the early history of society, and even down to the present day, ritual has usually meant regimentation, and not infrequently it has been used for purposes of exploitation.

But it may also be a method of rendering standards uniform and relatively automatic, thus enabling people to practice them with greater accuracy and with a minimum of conflict and disturbing deviations. But the great difficulty with ritualizing standards is that, by rendering their performance automatic and with a minimum of responsibility on the part of the performer, they are thereby permitted to survive their usefulness without undergoing questioning and revision to bring them up to date.

The Social History of Standardization. Relatively unscientific forms of standardization, which served in large measure the function of regimentation, began in prehistoric times. Early customs regulating domestic relations, economic processes, language, clothing, housing, and many other common activities were very early established, thus reducing the necessary functions of life and human intercourse to standardized forms. The rise of the belief in and of a method of propitiating and influencing the supernatural led, as we shall see in the chapter on supernaturalistic controls, further to the standardization of magic performances. The development of trade further standardized a large number of social practices, including gift exchange, hospitality, barter, prices, the forms of articles carried to market, and the various media of exchange, or money. The history of money is also a history of standardization processes. The development of tools likewise called for another great group of standardizations of the implements of production and also, as a consequence, for the standardization of the modes of production which employed these tools, and to a less degree for the standardization of the products themselves. But it was with the development of power driven machines that the standardization of the products of the machines became more marked even than the standardization of either the machines or of the methods of production. The development of markets and marketing led necessarily to the standardization of weights and measures in various forms. We find evidences of such standardization back at the dawn of history, and the emphasis upon this type of standardization has steadily increased with the growth of civilization, resulting in various improvements in time measurement, in the form of more accurate calendars, designation of time units, time clocks, and other time measurements; the simplification of commercial units of measures, culminating in the decimal system standardized by the French late in the eighteenth century; and a great growth in accuracy of scientific measurements together with the development of governmental and semi-public bureaus of standards in all modern civilized countries.

The industrial revolution operated directly and indirectly to produce a great increase in mechanical standardization. It so greatly acceler-

ated the employment of mechanical methods and the application of artificial power to the productive process that standardization became a matter of primary economy, not only to the producer who found it more profitable to produce a standard article widely used, but also to the consumer who must find his way about in a world daily and hourly growing more complex with an infinite variety of articles and appliances. If he became accustomed to a certain type of tool it was important that he should be able to find it again on the market when the old tool was worn out. If he bought a machine and some portions wore out or gave way it was prohibitive for him to have to purchase a new machine entire, but standardization of parts enabled him to replace the broken ones at a minimum expense and it also enabled the manufacturer to produce a large number of these standardized parts at a minimum charge by means of standardized machines. By giving to these parts standardized numbers and names the purchaser could order accurately by telephone or telegraph the parts he needed without delay. By standardizing railway tracks, engines, cars, and coaches, as for example the freight car and the Pullman coach, it became possible to make the equipment of one road serve a thousand railways throughout the continent, whereas if each railroad had adopted equipment *sui generis* there would have been hopeless confusion in the transportation system and the costs of freight service and of travel would have been much higher together with great inconvenience in time lost and in diminished comfort. Standardization has had a steady growth in modern life. The dentist now numbers our teeth and keeps a record of our dental history on a filing card. The hospital by means of standardized record cards keeps a history of the patient which enables the physician to read his progress or decline at a glance. Sizes of shoes and clothes and other articles of merchandise are standardized, with the result that salesmanship and purchase are greatly facilitated. Also, the standardization of prices has shortened the bargaining process enormously, with a corresponding advantage of economy in time and energy, and often of money.

The Lag in Standardization. In spite of the obvious advantages and the rapid growth of standardization, there are queer exceptions to be noted. Wherever fad, fashion, or craze can be made to operate, individualization rather than standardization may be the apparent rule. There are always a considerable number of people who dislike being or behaving like others. We need not enter here into a psychological or a psychiatric analysis in an effort to determine whether this desire for distinction is the result of an inferiority feeling or of an undue aggressiveness, of genius, or whatever it may be in different cases. The fact is that there are such people and that a certain class of manu-

facturers, tradesmen, writers, teachers, and leaders of all kinds find it profitable to encourage them and to cater to them. Thus some will not knowingly wear a piece of clothing of which there is a duplicate in the city. Even in our time there are a few people who, although they are not deformed, continue to have their shoes custom made, and a great many men and more women who have their suits and hats thus manufactured. Even furniture may be designed especially and expensively for the purchaser; and expensive houses are still almost universally specially designed, although the standardized pattern and even the standardized prefabricated house are making inroads upon individuality even here. People who are compelled to purchase standardized cars often prefer some unusual style even if it is less durable and more expensive, and even then they frequently further individualize it by means of adding various gadgets. Such things become a part of their personalities and they desire to keep their personalities as distinctive as possible even by the employment of unusual personality extensions. Such an effort often extends to the individualizing of stationery, ties, buttons, book bindings, pictures and picture frames, walking sticks, haircuts, mannerisms, pronunciation, and ideas. In the case of the man or woman of exceptional intellectual or artistic ability such personal variations from standards, especially in ideas, may become an honored indication of that ability, but among the average and the mediocre it is likely in our time to be regarded as an affectation or as an indication of eccentricity. Fads, fashions, and crazes live on such a passion for distinction, while certain kinds of manufacturers and tradesmen live on and profit from fads, fashions, and crazes.

But even in fashions it is not possible to escape the modern trend toward standardization. Very soon a fashion in dress, in social intercourse, in literature, or even in automobiles, houses, and ideas, becomes standardized and ceases to distinguish those who adopt it. As a consequence the seeker after individuality abandons it and if it has not sufficient utility to survive its novelty, as is most generally the case, it quickly disappears. That fashions, fads and crazes, and even what appears in individual cases to be more highly individualized forms of consumption and behavior, do become standardized is easily demonstrated. The very terms fad, fashion, and craze indicate standardization and perhaps equally regimentation for the purpose of economic or social prestige exploitation. But when we take a sufficiently long perspective of such expressions of individuality as individually designed houses or supposedly original ideas, we find that they conform to general patterns which were characteristic of well defined periods in architecture and of types of thought which dominated their time. Thus it is apparent that it is not possible ever for those who are most anxious

to escape standardization to do so. The trend is definitely in that direction and it grows because of the greater economy of time, effort, and expense which it affords.

The Advantages of Scientific Standardization. It must now be obvious that not all standardization is the result of scientific tests as to the efficiency of the standardized product, nor are all standardizations made in the interest of the persons to whom they apply. Some of them are established for exploitive purposes and are in the nature of regimentation, although they employ standardized procedures. Other forms appear to develop somehow more or less unconsciously out of folk behavior and to perpetuate themselves as customs and traditions. Other forms still, which were decidedly useful at one stage of social evolution and under particular social conditions, may have ceased to have genuine social and individual utility and now call for restandardization. Thus the manorial system of communal farming of small scattered strips of land, or the adoption of skirts for women in an age and in a society when they spent almost the whole of their time in houses or harems, might better be superseded by standardized forms better adapted to modern needs. Indeed, the former standard type has been thus replaced and the latter is perhaps in process of replacement, at least for women in active outside occupations.

Scientific standardization on a large scale and in a wide range of human behavior is relatively modern. Most people have resisted standardization of their behavior because it conflicts with the customs and traditions to which they have become assimilated early in life, or because it interferes with their habits of irresponsibility and of phantasy or daydreaming and demands a certain unwonted continuity of principles and of behavior which is more or less foreign to the irresponsible freedom they have enjoyed. It frequently requires a certain degree of self-discipline that is repugnant to most people. But such is not always the case, for in many instances and processes of adjustment it lessens the demands upon attention and frees the person acting from the inhibiting consciousness of regimentation. This is especially true where the process of standardization reduces the adjustment to largely automatic and uniform recurring acts. The major advantages of standardization are stated by Gilbreth as follows:[1]

> Standardization conserves individual capacity by doing away with the wasteful process of trial and error of the individual workman. It develops individuality by allowing the worker to concentrate his initiative upon work that has not before been done, and by providing incentive and reward for inventions. . . . Chances for invention and construction are provided by standardization. By having a scientifi-

[1] From L. M. Gilbreth, *The Psychology of Management* (The Macmillan Co., New York, 1914), pp. 149, 179–180. Reprinted with permission of the publishers.

cally derived standard method as a starter, the worker can exert much of his mental power toward improvement from that point upward, instead of being occupied with methods below it and in wasting, perhaps, a lifetime in striving to get up to it.

Illustrations of the Value of Standardization. It was pointed out in the early pages of this chapter that standardization has many individual and social, many economic and managerial, as well as innumerable efficiency values of various other sorts. It not only gets more work done, but work is accomplished in shorter time, with greater ease and with greater accuracy and dependability. It is not possible to illustrate all of the specific advantages of standardization here. For a fuller treatment the reader is referred to standard works on the subject, such as that by Gilbreth, from which we shall take a few cases, for a more adequate exposition of its utility. Our first case is that of standardization of spelling.[1]

Before the days of dictionaries, our spelling was not standardized — it was the privilege of any good writer to spell much as he desired; but the creation of written standards of spelling, that is to say the making of dictionaries, fixed the forms of spelling at that time, that is, created standards. The Simplified Spelling Board is now endeavoring to make some new standards, their action being based upon sufficient reasons for making a change, and also for not changing the spelling of any word until it is determined that the suggested spelling is more advisable than the old spelling.

The mastery of a language that uses phonetic spelling, such as the Spanish, is much easier and more agreeable than one that does not, notably the French or the English.* The same principle of ease of operation applies in connection with the use of mnemonic symbols.[2]

Mnemonic Symbols save actual motions and time in speaking and writing, and save time in that they are so designed as to be readily remembered. They also save time and effort in that the mind accustomed to them works with them as collective groups of ideas, without stopping to elaborate them into their more detailed form.

Standardization and Concentration. Standardization is also of great importance in concentrating and conserving the attention.[3]

Workers must be placed so that they do not see intermittently moving objects out of the corners of their eyes. In the early history of man it was continuously necessary to watch for first evidence of things behind one, or at a distance, in order to be safe from an enemy. From generations of survival of the most fit there have developed human eyes most sensitive to moving objects that are seen out of the corner of the eye. Even civilized man has his attention distracted quickest, and

[1] From L. M. Gilbreth, *The Psychology of Management*, p. 150. Reprinted by permission of the Macmillan Co., publishers.
[2] *Ibid.*, pp. 151–152.
[3] *Ibid.*, pp. 161–162.

most, by those moving objects that he sees the least distinctly, and furthest to one side from the direction in which he is looking.

The leaf that moves or the grass that trembles may attract the attention where seen "out of the corner of the eye" to a point where it will even cause a start and a great fear.

As an example of the distracting effect of moving objects seen "out of the corner of the eye," try reading a book facing a window in a car where the moving scenery can be seen on each side of the book. The flitting object will interrupt one; one cannot get the full meaning out of what one is reading — yet if one lays down the book and looks directly at the scenery, the mind can concentrate to a point where one does not see that moving scenery which is directly in front of the eyes.

There is a great difference in this power of sensitiveness of the corners of some workers' eyes from that of others. The first move of Scientific Management is to place and arrange all workers, as far as is possible, in such positions that nothing to distract them will be behind them, and later to see that the eyes of workers are tested, that those whose eyes are most sensitive may be placed accordingly. . . .

The necessity of removing all things which will distract the attention is as great for the brain worker as for the shop or construction worker. All papers that attract the eye, and hence the attention, should be cleaned from the desk, everything except that on which the worker is working. The capability of being distracted by the presence of other things varies in all workers.

In using the dictaphone, one can do much better work if one is in a room where there is little or nothing to distract attention. An outline of work ahead may tempt to study and planning of what is ahead, rather than to carrying out the task scheduled for immediate performance. The presence of a paper with an outline merely of what is being done is found to be of a great help, as the eye can rest on that, and, after a few moments, will become so accustomed to it that the whole attention will be given to the dictating.

Removing the Necessity of Choice. One of the most fatiguing and time-consuming processes is that of making choice. When the worker is compelled at each step to decide what he will do next or what materials or tools he will employ confusion arises and time is wasted.[1]

There is always time lost by "decision of choice." The elimination of this is well illustrated by the bricks that are piled on the packet, which decides for the bricklayer which brick is next, making an obvious sequence, hence the saving of time of decision regarding motions, also the saving coming from the play for position. Oftentimes a handicap of slow mental action can be compensated for, in a measure, by planning ahead in great detail. In this way, if the plan is made sufficiently in detail, there is absolutely no time possible left to be wasted in "decision of choice." The worker goes from one step to another, and as these steps are arranged logically, his mind does not tend to wander away, but to keep on in an uninterrupted sequence to the goal.

The Importance of Habit as Standardization. Very closely related to the matter of eliminating the factor of choice in the development of

[1] From L. M. Gilbreth, *The Psychology of Management*, p. 163. Reprinted by permission of the Macmillan Co., publishers, New York.

efficiency is that of reducing procedure to habit. The advantage of habit is that it is thoroughly standardized and therefore eliminates the need for choice. Of course, there are habits and habits, some of which are more efficiently adapted to the task in hand than others. The points to be noted are, (1) that the existence of habit itself constitutes an efficiency control, at least until the habit is no longer adjusted to the task in hand, and (2) well adjusted or selected habits are better controls than poorly selected ones. Both of these principles are covered in the selection that follows.[1]

As for equipment, the phenomena of habit are among the most important features of the psychology of management and the possibilities of the elimination of unnecessary waste resulting from taking advantage of this feature is possible only when the equipment, surroundings and methods of the worker are standardized. Therefore the insistence upon standardization, even down to the smallest things, is vital for achieving the greatest output.

For example, — suppose the keys of the monotype machine, piano or typewriter were not located permanently in the same relative position. Consider the loss of time in not being able to use habits in finding each key. Such an arrangement sounds ridiculous on the face of it, yet it is a common practice for many operators, especially of monotype machines, to make a complete mental decision as to the muscles and fingers with which they will strike the desired key.

Imagine the records of output of a typist who was using a different keyboard every day, if there were that many kinds of keyboards. It is easy for anyone to conceive the great advantages of standard keyboards for such machines, but only those who have made a study of output of all kinds of workers can fully realize that similar difference in sizes of output are being produced by the workers of the country for lack of similar standardization of working conditions and equipment. . . .

Habits cannot be standardized until the devices and tools used are of standard pattern. It is not nearly so essential to have the best tools as it is to have standard tools. Experience in the hospitals points to the importance of this fact in surgery. Tools once adopted as standard should not be changed until the improvement or greater efficiency from their use will compensate for the loss during the period of "breaking in" the user, that is, of forming new habits in order to handle strange tools.

Standardization and Fatigue. Standardization of processes and of movement also diminishes fatigue by conserving the attention. The multiplication of stimuli is always a distracting fact in any adjustment situation. If there is such a multiplicity of forms, colors, rates of movement, etc., that the eye or the hand cannot twice in succession deal with the same conditions or phenomena, the adjustment processes are slowed down, the behavior is confused, and the attention is fatigued.[2]

[1] From L. M. Gilbreth, *The Psychology of Management*, pp. 163–165. Reprinted by permission of the Macmillan Company, publishers, New York.

[2] *Ibid.*, p. 168.

There is no doubt in the minds of those who have made it a study, that the constant receipt of the same kind of impression, caused by the same kind of stimulation of the same terminal sense organs, causes semi-automatic response with less resulting fatigue, corresponding to the lessened effort. All methods should, therefore, as far as possible, be made up of standard elements under standard conditions, with standard devices and appliances, and they should be standardized from the standpoint of all of our senses as to color, shape, size, weight, location, position and surface texture, that the worker may grasp at a single thought by means of each or all his senses, that no special muscles or other fatiguing processes need be operated to achieve the standard result desired.

Standardization of Clothing. Even clothing might be standardized to the advantage of both individuals and society. It would save energy, expense, the health of workers, improve morals, and lessen strikes and the regimentation of workers in seasonal industry.[1]

There is a great need today for standardization in the field of clothing. The idea prevalent that wearing apparel is attractive only when it is "different" is unfortunate in its influence upon the cost of living. How much more unfortunate is it, when it affects the mind of the worker, and leads him to look upon standard working clothes with distaste.

To a careful observer, there is nothing more disheartening than a study of workers' clothes, especially the clothes of women workers. Too warm clothes, where work requiring high temperature is done, with no provision for adding needed wraps for the trip home; high-heeled shoes where the worker must stand at her task for hours at a time; tight waists and ill fitting skirts, where every muscle should have free play, — these are but examples of hundreds of places where reforms are needed.

Other Forms of Standardization — Transportation. A great many examples of the advantages of standardization as a form of social control, especially on the mechanical side, might be presented. In the early part of this chapter we have referred in passing to some of these mechanical standardization devices. Here we shall allow a well known transportation expert to explain what might be done in the way of cutting transportation costs by standardizing freight containers.[2]

Changes in the method of transporting freight over rails, highways and water were advocated today by Joseph B. Eastman, Federal co-ordinator of transportation, in proposing a nationwide "container" system. The "containers" would move freight of many types by bulk instead of separate pieces from point of origin to final destination. Eastman said they should be of standard size so they would fit into motor truck, railroad car and boat.

Savings of millions of dollars in handling and cartage charges would result, Eastman said. He presented a detailed survey to show that more than 100,000,000 tons of freight was available for the service, and said it also would develop much new business.

[1] From L. M. Gilbreth, *The Psychology of Management*, p. 166. Reprinted by permission of the Macmillan Co., publishers, New York.

[2] From the St. Louis *Post-Dispatch*, June 15, 1936.

As an example, Eastman said, a shipment of groceries from New York to Chicago now costs $4.50 a ton for handling, while under the "container" plan these costs would be less than $1. . . .

Eastman said the idea was now used in a limited manner in some localities and industries, and had proved highly successful in several foreign countries for national and international freight.

Two types of container were described in the report. One was a platform or rack on which goods could be stacked. The other was a box-like structure similar to the body of a large motor truck or of a small railroad box car.

These containers would be loaded at the point of shipment, then transferred by motor truck to railroad or boat, and finally delivered intact to destination.

Motor trucks would be used for short hauls and movements to railroads and water carriers, while the long haul business, which he considers the natural field for railroad and water transportation, would be stimulated.

Are There Limits to Standardization? Standardization of behavior has developed farthest in industry under the set of procedures known as scientific management. This greater development is due partly to the fact that workers are conforming their behavior in large measure to machines and other mechanical processes which have already been largely standardized. Standardization of the behavior of the workers with machines is thus but a continuation of the process of economy in adjustment. But in non-mechanical processes attempts at standardization have been less uniformly successful.[1]

In considering the value of scientific management and the results which have been obtained through its use, it should always be remembered that there is a difference between so-called machine tasks which are essentially physical and those which require efforts of memory, judgment, etc. A serious weakness of scientific management lies in the fact that it frequently makes a machine out of the workman. The fundamental principles of scientific management, such as motion study, apply essentially to tasks which approximate machine tasks and in which in all likelihood the human agent has been or will be replaced by a machine. The more progressive of the exponents of these methods are seriously trying to solve the problem that specialization tends to loss of interest and initiative and also trying to adapt them to other than mechanical tasks. The distinctly hopeful element is that the more scientific management analyzes, standardizes and reduces the motion necessary to any given task, the greater is the likelihood that invention will make this task one for a machine rather than for the human being. To date, scientific management has accomplished comparatively little in operations in which machines or machine-like movements are not important factors and in which, as stated above, intelligence, judgment, education, training, and knowledge are required and in which not only quantity but quality production are dependent on acts of memory and initiative. Any scheme of wage payment, therefore, must take into consideration these differences in native ability if it is to be generally applicable.

Social and Intellectual Standardization. There has been a good deal of discussion as to the possible limits of standardization in social

[1] From Lee K. Frankel and Alexander Fleisher, *The Human Factor in Industry* (The Macmillan Co., New York, 1920), pp. 207–208. Reprinted by permission of the publishers.

behavior and intellectual activities. It has been stated that while a high degree of standardization is desirable in industry and commerce, it is very undesirable when applied to the processes of the human mind. That there is good reason to believe that this last statement is not wholly correct will appear later in this chapter. It is noteworthy, however, that a high degree of standardization in modern industry and in all sorts of scientific mechanical procedures in recent times has not been accompanied in the last century or two by a like degree of standardization of mental and social behavior, at least as far as regimented behavior is concerned. That thought processes have been standardized by statistics, by a more penetrative inductive logic, and by the scientific disciplines generally is quite evident. Men think more effectively now than ever before because of the standardization of thought procedures. But on the other hand they think in all sorts of situations and act in social situations with much greater freedom than they ever did before, even among the Greeks in their golden age. This is apparently because the standardization of industrial and commercial processes has produced so much greater efficiency and consequently so much of an economic surplus that there is a recognition of a much greater degree of social security. Social security makes for freedom of thought and action in social relations and thus removes in a corresponding degree the necessity for regimentation. The recent gain therefore has been not in the absence of standardization in intellectual and social matters, but rather in the decline of regimentation in such matters.

At the present time, however, perhaps as a result of the depletion of economic surpluses due to the wastefulness of war and the destruction of natural resources, the trend appears to be toward a larger amount of regimentation both of thinking and of social behavior through standardized processes. For example, the increasing use of propaganda on a large scale threatens to determine the great bulk of opinion of the masses, and perhaps even of the classes, on a purely mechanical and emotional basis rather than leave the making of opinion to discussion and individual meditation. Thus thought becomes increasingly regimented by means of the standardization of propaganda processes. Likewise, in the more autocratic countries of the world, there is a rapid and active movement toward the standardization of social behavior for purposes of political and economic regimentation. One of the significant causes for the opposition of Nazism to Jews, Catholics, and other highly standardized and regimented religious bodies is undoubtedly the recognition of the need to break down these systems of regimentation if their own system is to be established firmly and with a minimum of opposition.

Some Neglected Phases of Standardization. In governmental administration and legislation standardization has been achieved very slowly and with great difficulty. Aside from, and even more important than, the personal reaction against standardization referred to above, the interest of political officials in the exploitation of the citizen serves as a bar to standardization of procedures and services. Among other things, it prevents the adoption of civil service reform, or the honest application of the laws instituting it that have been passed. In business, standardization of production, of physical distribution of product, and of salesmanship has gone farther than standardization of service from the consumer's standpoint. The reason for this is obvious and is a matter of differential savings and profits. Standardization of moral conduct is achieved and maintained with difficulty. In the field of esthetics standardization is even less advanced, although some of the modernist schools of art are moving in this direction, paradoxical as it may seem, by the substitution of intellectualized interchangeable symbols for the old emotional conditioned symbols as modes of communication.

The Problem of Standardization *vs.* Freedom. The advantages of standardization for efficiency are generally recognized. The chief objections to it come from the artistic and creative worlds. Those who invent and produce the new in ideas and in forms of beauty, in literature, and even in science, often maintain that one cannot do this sort of creative production by the clock nor by formal rule or formula. They say that creative invention is more or less an accident and depends essentially upon the freedom of the mind to explore and experiment, often without immediate positive results, for the sake of the long time output. They regard too much standardization in such matters as regimentation and even as exploitation, which defeats its own end — that of the maximum production of the best rather than merely quantity production of the mediocre or inferior. This point of view is perhaps adequately expressed in the following paragraph.[1]

> No machine, broadly speaking, is so perfect that it can be used as a substitute for trained judgment. The finest mechanical device never acquires the ability to correct its own mistakes. It never learns. It gets use and wear, but no experience. Judgment, vision, imagination, courage, and experience have never yet been built into a machine. Until they are, there will be no substitute for the human mind.

No doubt there is much truth to these contentions, a fact which is generally recognized in the greater freedom allowed to the worker in proportion to his individual responsibility for a high class product.

[1] From Norman F. Harriman, *Standards and Standardization* (McGraw-Hill Book Co., New York, 1928), p. 105.

Thus the university professor is given free control over that part of his time not actually devoted to class or laboratory work or to committee meetings, conferences, etc. The professional laboratory experimenter and inventor usually suffer even less regimentation. And the artist and literary men are left practically free as to the details of their work, if it is creative in the highest sense rather than commercial. Yet even in these cases a certain amount of standardization is highly valuable. The scientist is working constantly with standardized scientific formulas and processes. The literary man cannot safely disregard the standardized rules of grammar and composition. The creative artist must pay attention to the standardized techniques of painting, etc. The creative thinker must not violate the standardized logic of thinking. Any and all of these creative types find standardization of the utmost importance as long as they use it as an aid instead of serve it as a routine master. The genius may in turn create new standards the better to facilitate his work, but he must not repudiate all standards.

The Future of Standardization. Standardization in all fields of behavior seems destined to grow even more rapidly as a social control device in the future than it has in the past. One of the chief authorities on this subject has the following to say in this regard.[1]

> The trend is toward a minimum number of standards of quality, perhaps a single national, or even international standard, for each service to be rendered, each need to be met. With precise methods of arriving at the data comes the natural unification of specifications, the reduction in their number as they approach ideal measures of the quality desired, as made possible by science and service, and as the size of the groups interested in a given specification increases.
>
> The trend is toward making standardization an active principle in organization and administration in every country and in every field. This is evidenced by the multiplication of national standardizing agencies in all of the important countries of the world, as well as the formation of technical committees on standardization in the great national engineering, technical, and scientific societies. Standardization is rapidly becoming a primary aspect of all well-ordered activities rather than an incidental activity supplemental to others.
>
> The standardization procedure itself is gradually becoming standardized. Principles of practice are gradually being established as to the initiation, sponsorship, participation, technical basis for requirements, form, criticism, revision, adoption, jurisdiction, promulgation, and adherence. As the scientific basis for such procedure becomes more convincing, acceptance by wider jurisdictions becomes relatively easier and standardization is accelerated on a broader basis of acceptance.
>
> The boundaries of the standardization field are expanding. . . . In science, terminology, methods, instruments, and constants are being standardized for ease, speed of diffusion of data, and to secure comparable results. In medical research

[1] From Norman F. Harriman, *Standards and Standardization* (McGraw-Hill Book Co., New York, 1928), pp. 207–209.

and practice, measured procedure is increasing in diagnosis and treatment. The trend is notable; the struggle for standards based on new experience and new knowledge winning through merit. Always the chaotic, chance qualities and sizes give way to orderly, efficient types, qualities, and sizes, just as evolution results in the development of standard types of life forms adapted to a given environment. Even the fine arts bear the impress of standards — the metrics of verse, the rhythm of ornament and motion, and the proportions of structures. The interplay of standards is seen in unsuspected fields where their role is mandatory — sometimes with a rigor superior to legal enactment.

We have now reached that stage of complexity in our civilization and that degree of development of common intelligence where economy of effort and of attention to the commonplace activities of life not only become essential for better living, but they also become possible because of popular understanding. We recognize that time and energy are saved by the standardization of the ordinary processes for the sake of creative thought and invention. Ultimately such standardization may prove to be the chief aid to democratic social self-control, provided the commercialized exploitation of the vices and the follies of mankind for private or class profit can be prevented. Certain problems of control, such as the part played by the machine in the displacement of hand labor and the role of the expert in democracy, arise here within the greater problem of standardization. But their consideration would plunge us into too great detail for the purposes of the present work.

The future of regimentation appears to be much less certain than that of standardization. Standardization makes generally for efficiency and is therefore valuable in itself, provided it is not used for unwholesome ends. In such a case it becomes regimentation. The world could well dispense with regimentation, if all people could be trained to recognize their proper functions and to perform them conscientiously when thus recognized. This however is too much to expect. Some lack the intelligence to recognize the best adjustment for themselves and others. The training of many more is defective. Others still lack the good will to perform their logical functions in society when they recognize them. All such persons must be directed, even regimented, by some one, although this regimentation is itself often very inadequate. There are also many honest disputes as to the proper functioning of specific persons in society. Some provision must be made for the adjudication of such disputes, and this often results in what amounts to regimentation. Factories have to be managed, governments must be administered, children and others require advice and direction. Things cannot be left to run themselves in a complex world of conflicting interests. In a large degree better scientific standardization of conduct and motivation will remove the necessity for regimentation, because it makes possible a wiser and more adequate self direction.

But standardization self-applied can never wholly dispense with regimentation. However, necessary regimentation need not be deplored in spite of the bad connotation of the word itself. The chief social danger from regimentation comes from its use as a concealed method of exploitation. As we have before remarked in this book, there are not wanting signs of a return to exploitive regimentation even more pronounced than that which has existed under the most iron-clad caste systems. The new exploitive system is not yet standardized in custom and tradition, as was the caste system, but is functional in character and is administered from a central hierarchy or a dictatorship. Its threat, if carried to its logical extreme, is to reduce the vast majority of men to the status of intelligent, but not too intelligent, domestic animals, who will be fed, housed, clothed, doctored, insured, and worked.

STUDENT EXERCISES

1. The students should bring in examples of regimentation and of standardization gathered from their own observation or reading.
2. They should be encouraged to distinguish these two types of social control, with illustrations, and to indicate cases of overlapping.
3. What has science to do with the making of standards of social behavior? What is likely to be the difficulty with standards not made with the help of science?
4. Why does Bagehot contend that a bad government has been better than no government in the history of mankind?
5. Why were religion and political rule combined in the regimentation of early peoples?
6. To what extent are they combined and to what extent separated in modern social control?
7. Students should find illustrations of the necessity of unity as an aid to the development of civilization and social welfare.
8. Is this unity or conformity of men in society ever sought for purposes other than the promotion of social welfare? Cite examples to illustrate your conclusion.
9. To what extent do modern dictatorships represent responses to legitimate needs for social unity and to what extent are they exploitive? Explain.
10. Students might be assigned to study the origin and development of some of the dictatorships as a test of the hypothesis arrived at in answering the preceding question.
11. Under what sorts of economic, political, and social conditions do dictatorships seem to arise?
12. Students may be assigned to study the arguments of the mediaeval Church and of the Holy Roman Empire for their respective supremacy and report on these to the class. St. Thomas Aquinas and Dante have stated these arguments for their respective sides.
13. What seems to stand out from these arguments with respect to social control?
14. The same should be done with regard to the controversy between Hitler and the established church in Germany.

15. A similar report should be made on the control problems involved in the controversy between Church and State in Russia under the Soviet regime.

16. A student may be assigned to report on the social control problems which, according to Mussolini, led to the establishment of Fascism in Italy. See Benito Mussolini, "The Doctrine of Fascism," *The Living Age*, CCCXLV: 235–244 (Nov., 1933).

17. Another report should be made on the economic forces back of the Hitler regime in Germany. See Ernst Henri, "The Man Behind Hitler," *The Living Age*, Oct., 1933.

18. To what extent is formal or ritualistic religion a system of regimentation? Explain.

19. A report should be made on the caste system as a method of regimentation. Pick out the exploitive and the efficiency elements in this system.

20. How do modern civil service examinations differ from those formerly given by the Chinese?

21. In what ways did the Chinese examination system promote social unity and cooperation?

22. How did it hinder social progress?

23. Indicate elements of standardization in the modern school curricula.

24. To what extent is this standardization the product of scientific study and to what extent of mere traditional regimentation?

25. How has standardization entered into teaching?

26. What are some of the fields of conduct in which we most need standardization along scientific lines?

27. What is preventing standardization of behavior in each of these lines?

28. What light does the second selection from Bagehot in this chapter throw upon the modern conflict between the dictatorships and democracy?

29. Is there any difference in point of view between the explanations of regimentation offered by Bagehot and by Buckle, or do they merely emphasize different aspects of the same process?

30. Some student might be asked to report on the concept and method of the standard of living as a problem in standardization. See L. L. Bernard, "Standards of Living and Planes of Living," *Social Forces*, VII: 190–202 (Dec., 1928).

31. Other students may be asked to make reports on the grading of canned goods, on cotton grading, wheat grading, and other forms of standardizing of grades of marketable products.

32. A study of the influence of machine manufacture upon the standardization of mechanical utilities and other consumable products would be of interest to students.

33. Many excellent illustrations of the employment of symbolic devices for the purpose of regimenting neophytes may be found in V. D. Macchioro, *From Orpheus to Paul;* S. Angus, *The Mystery Religions and Christianity;* J. G. Frazer, *The Golden Bough;* any dependable work on Masonic or other secret society ritual; any adequate history of the Society of Jesus; Hutton Webster, *Primitive Secret Societies;* or any book on Etiquette.

34. Excellent material for supplementary reading and individual reports on various aspects of standardization may be found in Norman F. Harriman, *Standards and Standardization*, especially on pp. 1–17, 75–76, 104–105, 127, passim.

35. Two worthwhile readings on regimentation in brief compass may be found in *Reader's Digest*, entitled "Assignment in Utopia," by Eugene Lyons (Jan., 1938), and "The House That Hitler Built," by Stephen H. Roberts (May, 1938).

36. Further assignments for general class readings or reports might be made on the subjects of "rules," "systems," "bureaucracy," "mechanization," and "automatons," by way of illustrating the use of standardization and regimentation. Sources for these topics may be found in encyclopaedias and the indexes of standard works on social control or standardization and regimentation.

37. In what way may the Nazi warfare on the Jews and the Catholic church in Germany be said to represent a conflict of regimentation systems?

38. See Ray Stannard Baker's *Seen in Germany*, Chs. VI and VII, for good accounts of modern standardization in scientific measurements and in industry.

Chapter XVI

SOCIAL CONTROL BY MEANS OF SUPERNATURALISM

An Extraordinary Control. When other controls fail or prove to be disappointing it has been the practice of mankind to fall back upon the supernatural. There is an old saying which illustrates this practice; "Man's extremity is God's opportunity." But this appeal of man to the supernatural to do for him what he could not accomplish for himself began long before the days of the gods. It was common even in the early days when spirits were supposed to rule the destinies of men, and even earlier, and it has continued down to our time. The earliest form of the human attempt to control by appeal to or manipulation of the supernatural is known as magic. The magic may be wrought through the friendly agency of a spirit, or it may be achieved without the aid of spirits merely by means of supposedly effective magical rituals and procedures. The primitives (and some moderns) supposed there were numerous mystical and non-mechanical causal connections between the events they wished to have transpire and the mysterious forces and invisible personalities that, in their own opinion, ruled their world and decided "fate." With the growth of a naturalistic and mechanical interpretation of the world, reliance upon supernatural controls has become less frequent and less marked, because they have seemed to the ordinary observer to be less dependable and efficient. Perhaps as a consequence we might say that the old adage quoted above has been transformed into something like the following: "The neglect of the gods has increased man's trust in science and invention."

Magic as a Control. Since magic is the oldest of the supernaturalistic techniques of control and is still largely used for control purposes in certain places and among large bodies of people, we shall begin with it. It has operated under a great variety of forms and circumstances, as the following account and display of illustrative procedures will help to show. It is impossible here to enter into a treatment of the field and of the psychology of magic, but the passages quoted below from observers in the field will help to illustrate its varied content and its method of working through mystical rather than through mechanical procedures.[1]

[1] For an analysis of the method of Magic see L. L. Bernard, "A Psycho-sociological Interpretation of Magic," *Pub. Amer. Sociological Society*, XXII: 60–71 (1928).

The use of magic as a method of controlling events implies a worker of magic or a magician. While any one may perform magic, if he has the "gift" or is in touch with the supernatural, it is generally conceded that some persons are better at the art than others. Hence the practice of magic early became a profession, and the professional was known by a variety of names, the most common of which, in English, is "medicine man." Even in our time we have various successors of this primitive medicine man, who act as go-betweens for men in their dealings with the supernatural. The reader may observe these and their methods for himself. We shall confine our illustrations to the primitive magician. It need not shock the student to see this wonder worker described in the quoted material below as a charlatan. Indeed, he may be such, but he is not necessarily consciously so. Quite as often as not he believes in himself as fully and much in the same manner as his followers and patrons have faith in him. The description which follows is taken from an account of a missionary who had ample opportunity to observe the practice of magic among the Africans. It is to be expected that he would look upon this African magic from the particular standpoint of the Christian. The selection is useful not only because it illustrates the practice of primitive magic as a supernaturalistic control, but also because it reveals some of the insincere tricks that so often accompany it.[1]

As the natives of the Kongo Basin know of no means of communicating with Nzambi (God), they take to charms. A Kongo boy grows up, and sees everyone with his charms. One man boasts that he has a charm that will make him rich, and he ties to it a little strip of every piece of cloth he buys; others have charms to keep away witches, charms against theft or sickness, to stop or to bring rain, charms which enable them to cure sicknesses, or to perform the office of witch doctor, of nganga-a-moko, or to discover theft. From very babyhood a child hears the word "nkixi" (pronounced *n'-kish-i*) frequently uttered; no wonder, then, that, as he grows up, he thinks that there must be something in it. He knows a man who, for a consideration, will teach him to make a charm, or perhaps will sell him a little image and bundle of mysteries. Fondly hoping that it will do all that the charm doctor has promised, he always keeps it with him, and perhaps believes that his own life is in the thing, and if anyone got possession of it, he could cause his death; he dare not sleep without it near him; and so the falsehood works until he becomes its slave.

I have watched a chief on market day weaving his spells. He would bring out his charms and spread them on a mat, take a little red powder, work it into a paste, and put some on his image and on each side of his own forehead; he would then rummage in his bundles, and find some mysterious nuts, or something strange, scrape a tiny fragment and put it into his mouth, nibble it, and spit and sputter over his image and charms, then take a little gunpowder, and mix a little mystery with it, and burn it on a stone. Next, chewing some colanut, he would spit and

[1] Adapted from W. Holman Bentley, *Life in the Kongo* (Religious Tract Society, London, 1891), pp. 93–97.

sputter it over the charms, burn more powder, rummage further among his charms; and finally, making some marks on his temples and forehead, he would be ready to go to market.

Such a man is feared. Who knows what he could do with all those charms? His air of mystery, the fuss he makes, his boasts — these, with a large amount of knavery, make the common people think him a great man.

On one occasion, in the early times of the mission, Mr. Comber was forbidden to sleep in a town on the road. He was compelled to sleep out in the grass with his people without shelter. There was some sign of rain, so the carriers begged one of their number, who boasted much of his rain charms, to avert the coming storm. He worked hard with his charms, but notwithstanding, it rained hard on the shelterless people nearly all night. The medicine man said that his charms would not work with white men about.

Among our hired laborers from the coast and elsewhere, we have often had in our gangs rascals making much fuss about their charms, and in consequence much feared by all their work-fellows. They were consulted by their mates in sickness, and demanded heavy pay for their advice. Then, because they were supposed to have such great powers for evil as well as for good, they would borrow money or goods, and no one dared refuse, or make them repay. They would need to be constantly propitiated, and thus one scoundrel would get eventually a large share of the wages of his mates. We could never get direct evidence or proof, and could not interfere; and as the payments would mostly be made after they had received their wages, and were beyond our reach, we had to know of the evil, but were powerless to check it.

This, however, is more a coast type. Those nearest to "civilization" are far more superstitious, or, rather, make more use of superstitions, than the natives of the interior. But every where the same principles work in a variety of forms.

There are, doubtless, many simple folk who believe it all; many must, however, be consciously imposing on their fellows. To-day, even in England and America, there are people who would hesitate to take down the horseshoe which was put up over the doorway "for luck"; others still believe it unlucky to pass under a ladder. Dream charms and fortune telling have not yet disappeared from these enlightened lands.

There is an infinite variety of charms in Kongo; almost everything may go towards their composition, — dry leaves, snakes' heads, hawks' claws, feathers, elephants' skin, stones, seeds, nuts, beans, the horns of the smaller antelopes, but with all a quantity of red ocher. Pipe clay also plays an important part.

Images have been mentioned, not that they are idols, or more personal than bundles of mysteries, but just as children playing with clay would think first of making a little man, so Kongos often make hideous, rudely-carved little images, with, perhaps, a piece of looking-glass on the chest.

In some towns there may be seen a great image under a sheltering roof, which represents the charm that protects the town. Children are placed under its protection by the payment of a fee to the nganga who weaves certain spells and makes certain articles taboo. In some places it is nlongo (taboo) to eat an egg, or a fowl, goat's head, hippopotamus' flesh, pork, yams, antelope flesh, rats, bananas. This taboo must be observed to insure the protection of the fetish; to break it would entail disease and death.

Magic among the Choctaws. This practice of magic by means of charms, fetishes, and the like, as described in the pages immediately

preceding, was universal among primitive peoples, and the American Indians were of course no exception. From a great variety of illustrations of this practice from many civilizations, we may offer one brief account from the pen of a distinguished American anthropologist.[1]

Charms or fetishes were carried by each Choctaw man, and Cushman says that there was one tribal fetish or medicine, but probably we are to understand a fetish belonging to a town or a local group; otherwise more would have been reported regarding it. Very likely this collective charm was of the same nature as that which a war party carried. What we have called a charm or fetish Cushman designates a "totem" in the following quotation: "Every warrior had his totem; i.e. a little sack filled with various ingredients, the peculiarities of which were a profound secret to all but himself; nor did any Indian ever seek or desire to know the contents of another's totem, it was sacred to its possessor alone. I have more than once asked some particular warrior friend concerning the contents of his totem but was promptly refused with the reply: 'You would not be any the wiser thereby.' Every warrior kept his Totem or 'Medicine' about his person, by which he sincerely believed he would be enabled to secure the aid of the Good Spirit in warding off the evil designs of the Evil Spirit, in the existence of which they as sincerely believed, and to whom they attributed the cause of all their misfortunes, when failing to secure the aid of the Good Spirit."

Detection through Magic. Most of our examples of the use of magic for purposes of control have so far centered about its employment for personal ends. However, it is also used for a variety of social ends, as we shall now show. One of the most important of these, among primitive peoples, is the detection of offenses against the mores of the people, and especially against the property mores. Our modern police and our courts of justice are perhaps to be preferred as methods of detecting culprits and of bringing them to their proper punitive rewards, but they can scarcely be said to be more certain to produce some sort of result, however inaccurate it may be, than is secured by the magical procedures described in the following passage.[2]

Sometimes a town possesses an image charm which will enable its doctor to find out thefts, and in consequence the people are afraid to steal. Talking with a man once about this "thief medicine," he positively declared the truthfulness of the oracle. "Why, I was found out myself once," he said. "I went to Dedede's town, and stole a piece of cloth from a man's house. No one saw me, or had any means of knowing that I did it, and yet the thief doctor found me out at once. What can you say after that?"

Often in the houses of the sick, the "medicine" may be seen in one corner of the room, consisting, perhaps, of a dirty image and charms, bespattered with blood and chewed colanut.

So strong is the belief in the discerning power of these charms that a thief will sometimes return what he has stolen rather than incur the disease that might

[1] From John R. Swanton, *Source Material for the Social and Ceremonial Life of the Choctaw Indians*, Bulletin 103, Bur. Amer. Ethnology, 1931, p. 215.

[2] From W. Holman Bentley, *Life on the Kongo*, pp. 96–97.

follow. I know a case in which a man lost something in a town. He paid a small fee to the thief doctor, who arranged with his charms to curse the thief with disease if the articles were not restored by the next morning. The things appeared in due course, and were found lying in front of the door, having been returned during the night.

Punishment and Death by Magic. In addition to the detection of crime by means of magic, this method of procedure may also be used for purposes of punishment and also for procuring death maliciously or otherwise. Although this practice of actually and fictitiously producing death by means of magic is or has been widely in use, it is most common in Australia, to which the following illustrative cases refer.[1]

The functions of the medicine man as a wizard or sorcerer are associated with, first, bringing ill upon other people, and second, ascertaining who is responsible for the death of a native. . . .

Certain very old medicine men are able to bring disease down not only on individuals but upon whole groups of men and women, but this is only, in reality, a further extension of the power possessed by each man of working harm by magic. Amongst, however, certain tribes such as the Mungaberra living out to the west of the Macdonnell Ranges, the medicine men are supposed to have special powers. They can and often do assume the form of eagle-hawks, and when thus disguised, travel long distances at night time, visiting camps of other tribes, amongst whom they cause much suffering and even death by their habit of digging their sharp claws into people. Only recently, in the presence of one of the authors, a medicine man extracted parts of eagle-hawk claws from a native of the Arunta tribe who had been maliciously attacked in this way at night time by a Mungaberra medicine man.

However, as a wizard, the function of the medicine man is mainly associated with finding out the particular individual who is responsible for the death of any native. Sometimes when a man is dying he will whisper in the ear of the medicine man the name of the culprit, but even if he does not do so, the medicine man will often state as soon as death has taken place the direction in which he lives and very probably the group to which he belongs. It may perhaps be two or three years before he discovers the actual man, but sooner or later he does so. During the progress of the Engwura, which we witnessed, news was brought in to the camp that a very celebrated old man had died far away out to the west. His death was due simply to senile decay, but along with the news of the decease word was brought that he had been killed by a charmed stick pointed at him by a man of a distant group, the locality of which was stated with certainty. . . .

In addition to procuring death by giving an enemy a bone or stick it is a very common thing to charm a spear by singing over it.

Any bone, stick, spear, etc., which has thus been "sung" is supposed to be endowed with what the natives call *Arungquiltha*, that is magical poisonous properties, and any native who believes that he has been struck by, say, a charmed spear is almost sure to die whether the wound be slight or severe unless he be saved by the counter magic of a medicine man. There is no doubt whatever that a native will die after the infliction of even a most superficial wound if only he believes the

[1] Adapted from Baldwin Spencer and F. J. Gillen, *The Native Tribes of Central Australia* (Macmillan and Co., London, 1899), pp. 532–533 and 537–538.

weapon which inflicted the wound had been sung over and thus endowed with *Arungquiltha*. He simply lies down, refuses food and pines away. Not long ago a man from Barrow Creek received a slight wound in the groin. Though there was apparently nothing serious the matter with him, still he persisted in saying that the spear had been charmed and that he must die, which accordingly he did in the course of a few days. Another man coming down to the Alice Springs from the Tennant Creek contracted a slight cold, but the local men told him that the members of a group about twelve miles away to the east had taken his heart out, and believing this to be so he simply laid himself down and wasted away. In a similar way a man at Charlotte Waters came to one of the authors with a slight spear wound in his back. He was assured that the wound was not serious, and it was dressed in the usual way, but he persisted in saying that the spear had been sung, and that though it could not be seen yet in reality it had broken his back and he was going to die, which accordingly he did. As a result of this a party was organised among the members of his group to avenge his death, and the man who had wounded him with the charmed weapon was killed.

Instances of occurrences such as these could be multiplied, and though of course it is impossible to prove that death would not have followed under any circumstances, that is whether the native had or had not imagined the weapon to have been "sung," yet, with a knowledge of what wounds and injuries he will survive if he does not suspect the intervention of magic, it is not possible to explain death under such circumstances except as associated directly with a firm belief of the injured man that *Arungquiltha* has entered his body, and that therefore he must die.

Prayers for Rain. As the foregoing examples have shown, magic has been used for many purposes, and it still is so employed. As this is being written an interesting modern case of one type of magical behavior comes to hand in the form of prayers for rain. In this case it seems that the political power of one of our states has appealed to the supernatural and has requested a number of other officials of equal rank to join in his petition. If the change in weather conditions in the West can be taken as evidence, the appeal was successful, except in certain regions of the state. The Associated Press dispatch from which the case is taken does not state whether the idea was original with the Governor of Colorado or was suggested to him by some of his constituents.[1]

Governor Johnson of Colorado issued a formal appeal to the people of the state yesterday to join May 22 in prayers for "an abundance" of rain. He also sent messages to executives of Oklahoma, Texas, Kansas and New Mexico, urging similar action. Showers and snow have ameliorated conditions over much of the area. There remains a considerable territory, however, where precipitation is deficient.

Prayers and Fasting Prescribed by a Legislative Body. Such appeals to the supernatural through public proclamation of prayer are of course not without abundant precedent in our history. The case presented

[1] From the St. Louis *Post-Dispatch*, May 10, 1935.

below from the Autobiography of Thomas Jefferson shows that the pre-revolutionary legislature of Virginia appointed a day of both prayer and fasting for the people in order to bring about desired political results, and not without conspicuous success. It may be doubted, however, whether the chief appeal intended by the legislators in this case was not to the people rather than to the supernatural. But the resulting appeal made by the people was certainly to the supernatural, and the proclamation was a very popular one. Appeal through fasting has usually accompanied prayer, since fasting renders the devout person more spiritual. Originally the fasting was for magical reasons, that is, to prevent the one about to engage in prayer from swallowing evil spirits that might interfere with his prayer. The psychological explanation of the spiritual effects of fasting is that an undernourished body is more capable of mental response, and especially of idealistic thinking. Extreme fasting may of course produce hallucinations. The incident referred to by Jefferson is as follows.[1]

The next event which excited our sympathies for Massachusetts, was the Boston port bill, by which that port was to be shut up on the 1st of June, 1774. This arrived while we were in session in the spring of that year. The lead in the House, on these subjects, being no longer left to the old members, Mr. Henry, R. H. Lee, Fr. L. Lee, three or four other members, whom I do not recollect, and myself, agreeing that we must boldly take an unequivocal stand in the line with Massachusetts determined to meet and consult on the proper measures, in the council-chamber, for the benefit of the library in that room. We were under conviction of the necessity of arousing our people from the lethargy into which they had fallen, as to passing events; and thought that the appointment of a day of general fasting and prayer would be most likely to call up and alarm their attention. No example of such a solemnity had existed since the days of our distresses in the war of '55, since which a new generation had grown up. With the help, therefore, of Rushworth, whom we rummaged over for the revolutionary precedents and forms of the Puritans of that day, preserved by him, we cooked up a resolution, somewhat modernizing their phrases, for appointing the 1st day of June, on which the port bill was to commence, for a day of fasting, humiliation, and prayer, to implore Heaven to avert from us the evils of civil war, to inspire us with firmness in support of our rights, and to turn the hearts of the King and Parliament to moderation and justice. To give greater emphasis to our proposition, we agreed to wait the next morning on Mr. Nicholas, whose grave and religious character was more in unison with the tone of our resolution, and to solicit him to move it. We accordingly went to him in the morning. He moved it the same day; the 1st of June was proposed; and it passed without opposition. The Governor dissolved us, as usual. We retired to the Apollo, as before, agreed to an association, and instructed the Committee of Correspondence to propose to the corresponding committees of other colonies, to appoint deputies to meet in Congress at such place, *annually*, as should be convenient, to direct, from time to time, the measures required by the general interest; and we declared that an attack on any one colony, should be considered as an attack on the whole. This was in May. We further recommended to the

[1] From *The Writings of Thomas Jefferson* (Monticello Ed., Washington, 1904), I : 9–11.

several counties to elect deputies to meet at Williamsburg, the 1st of August ensuing, to consider the state of the colony, and particularly to appoint delegates to a general Congress, should that measure be acceded to by the Committees of Correspondence generally. It was acceded to; Philadelphia was appointed for the place, and the 5th of September for the time of meeting. We returned home, and in our several counties invited the clergy to meet assemblies of the people on the 1st of June, to perform the ceremonies of the day, and to address to them discourses suited to the occasion. The people met generally, with anxiety and alarm in their countenances, and the effect of the day, through the whole colony, was like a shock of electricity, arousing every man, and placing him erect and solidly on his centre. They chose, universally, delegates for the convention.

Control by Means of Miracles. The working of miracles may be said to belong in the same category of supernaturalistic controls as magic, at least when the miracles are performed by human beings. Miracles are no longer very common among us, and perhaps for the reasons stated in the passages which we quote below. But they seem to have been quite frequently performed in earlier historic times by primitive professors of magic, partly as evidence of their close contact with or power over the supernatural. Jewish and Christian miracles have also been fairly frequent in historical times. It seems well to quote from one of the devout Church historians on this subject of miracles and to present his own observations on the subject.[1]

As for the miracles reported to have been done by the remains of this martyr [St. Stephen], Gregory bishop of Tours, and the writers of the following ages, have furnished the world with abundant instances, which I insist not upon, superstition having been the peculiar genius and humour of those middle ages of the church, and the Christian world miserably overrun with an excessive and immoderate veneration of the relics of departed saints. However I can venture the reader's displeasure for relating one, and the rather because it is so solemnly averred by Baronius himself. St. Gaudiosus, an African bishop, flying from the Vandalic persecution, brought with him a glass vial of St. Stephen's blood to Naples in Italy, where it was famous especially for one miraculous effect — that being set upon the altar, at the time of mass it was annually wont, upon the third of August, (the day whereon St. Stephen's body was first discovered,) to melt and bubble, as if it were but newly shed. But the miracle of the miracle lay in this, that when pope Gregory the XIIIth reformed the Roman calendar, and made no less than ten days difference from the former, the blood in the vial ceased to bubble on the third of August, according to the old computation, and bubbled upon that that fell according to the new reformation. . . .

To demonstrate . . . that miracles were not altogether ceased in the Christian Church [St. Augustine] produces many instances of cures miraculously done at the remains of St. Stephen. . . . To set down all were to tire the reader's patience beyond all recovery; a few only for a specimen shall suffice. At the *Aquae Tibilitanae Projectus*, the bishop bringing the remains of the martyr, in a vast multitude of people, a blind woman desiring to be brought to the bishop, and some flowers

[1] From William Cave, *Lives of the Most Eminent Fathers of the Church* (Oxford and London, 1840), I : 72–76.

which she brought being laid upon them, and after applied to her eyes, to the wonder of all she instantly received her sight. Lucillus bishop of Sunica near Hippo, carrying the same remains, accompanied with all the people, was suddenly freed from a desperate disease, under which he had a long time laboured, and for which he even then expected the surgeon's knife. Eucharius, a Spanish presbyter, then dwelling at Calama, (whereof Possidius who wrote St. Augustine's Life was bishop,) was by the same means cured of the stone, which he had a long time been afflicted with, and afterwards recovered of another distemper, when he had been given over for dead. Martialis, an ancient gentleman in that place, of great note and rank, but a pagan, and highly prejudiced against the Christian faith, had been often in vain solicited by his daughter and her husband (both Christians) to turn Christian, especially in his sickness, but still resented the motion with indignation. His son-in-law went to the place dedicated to St. Stephen's martyrdom, and there with prayers and tears passionately begged of God his conversion. Departing, he took some flowers thence with him, which at night he put under his father's head; who slept well, and in the morning called for the bishop, in whose absence (for he was at that time with St. Augustine at Hippo) the presbyters were sent for; at whose coming he acknowledged himself a Christian, and, to the joy and admiration of all, was immediately baptized. As long as he lived he often had these words in his mouth, and they were the last words that he spake, (for he died not long after,) "O Christ, receive my spirit," though utterly ignorant that it was the protomartyr's dying speech.

Many passages of like nature he relates done at his own see at Hippo, and this among the rest. Ten children of eminency at Caesarea in Cappadocia, (all the children of one man,) had for some notorious misdemeanor, after their father's death, been cursed by their mother, whereupon they were all seized with a continual trembling and shaking in all parts of their body. Two of these, Paulus and Palladia, came over into Africa, and dwelt at Hippo, notoriously known to the whole city. They arrived fifteen days before Easter, where they frequented the church, especially the place dedicated to the martyrdom of St. Stephen, every day praying that God would forgive them, and restore them to their health. Upon Easter-day, the young man praying as he was wont at the accustomed place, suddenly dropped down, and lay like one asleep, but without any trembling, and awaking found himself perfectly restored to health, who was thereupon with the joyful acclamations of the people brought to St. Augustine, who kindly received him, and after the public devotions were over, treated him at dinner, where he had the whole account of the misery that befell him. The day after, when the narrative of his cure was to be recited to the people, his sister also was healed in the same manner and at the same place, the particular circumstances of both which St. Augustine relates more at large.

What the judicious and unprejudiced reader will think of these and more the like instances there reported by this good father, I know not, or whether he will think it reasonable to believe, that God might suffer these strange and miraculous cures to be wrought in a place where multitudes yet persisted in their gentilism and infidelity, and who made this one great objection against the Christian faith, that whatever miracles might be heretofore pretended for the confirmation of Christian religion, yet that now they were ceased, when yet they were still necessary to induce the world to the belief of Christianity. Certain it is, that nothing was done herein, but what did very well consist with the wisdom and the goodness of God, who, as he is never wont to be prodigal in multiplying the effects of his omnipotent power beyond a just necessity, so is never wanting to afford all necessary evidences and

methods of conviction. That therefore the unbelieving world (who made this the great refuge of their infidelity) might see that his arm was not grown effete and weak, that he had not left the Christian religion wholly destitute of immediate and miraculous attestations, he was pleased to exert these extraordinary powers, that he might baffle their unbelief, and silence their objections against the divinity of the Christian faith. And for this reason God never totally withdrew the power of working miracles from the church, till the world was in a manner wholly subdued to the faith of Christ. And then he left it to be conducted by more human and regular ways, and to preserve its authority over the minds of men, by those standing and innate characters of divinity which he has impressed upon it.

How Saints Are Selected. Several religions — notably the Mohammedan and the Christian — have saints. Both the choosing or determination of a saint and the functioning of the saint after his selection involve the intervention of miracles. No one can be declared a saint in the Catholic Church unless he is believed to have worked a minimum number of miracles, as the excerpt copied below points out. Moreover, the saint, once he is canonized, operates as a powerful personality control for and over the faithful believers who adopt him as their patron. This process of control by and through the saint is supposed to work both objectively and subjectively. He may intercede for penitents and petitioners with higher supernaturalistic powers. Also, the communicant's faith in his reality, imminence, and performance exerts a powerful influence upon the former's ideals, purposes, strivings, and conduct generally. That personality can be in large measure moulded by belief in the functioning of such a being is of course a matter of common knowledge. The following passage gives a non-technical account of the method of determining sainthood, together with some concrete illustrations of the process, which will be seen to be both humanly social and supernaturalistic in its procedure.[1]

Since the tenth century when Pope John XV first canonized a saint, Ulric of Augsburg, the Church has demanded that each candidate for its highest honor shall pass through four intricate and exacting phases to determine his sanctity.

The first consists of a strict investigation of the life and work of the proposed saint. The Sacred Congregation of Rites conducts this, appointing two postulators to investigate the claims, and a "Devil's Advocate" to find flaws that would bar the candidate. If this step is passed, the candidate's life is then termed "significantly holy," and the title of Venerable is bestowed.

For the next step, beatification, there are still more investigations and the proof of at least two verified miracles. When all this is concluded successfully, the candidate exchanges his title of Venerable for Blessed. He may then be paid honors in a limited locality — his home district or within his order if he was a religious — but churches may not be named for him, nor may his relics be placed in an altar stone without special permission from the Vatican.

The . . . final step, requiring proof of at least two more miracles since beatification, leads to the Papal Bull of canonization, when the title Blessed gives way

[1] Adapted from *News-Week*, Vol. IX, No. 1, p. 20 (Jan. 2, 1937).

to that of Saint. The Pope himself presides at a magnificent ceremony in St. Peter's Basilica, and has the privilege of first announcing the new saint's name. While the faithful may dispute the worthiness of one who has merely been beatified, it is heresy to deny the sainthood of one who has been canonized. . . .

No Catholic can predict how long it will take for them to reach . . . [any] next step: the Church forbids even its officials to make such prophecies. If their progress is like that of most of the Church's saints, it may take two or three hundred years. But if Father Feeney's sermon . . . should stir up a nationwide popular demand for a modern American saint, the process might be concluded in much less time.

Such an instance occurred not long ago. St. Therese of Lisieux (died 1897), proposed for canonization in 1914, was admitted to the honor eleven years later. As The Little Flower of Jesus she ranks as one of the Church's most popular modern saints. Father Coughlin's shrine in Detroit was the first church to be named in her honor.

Today there are more than 550 persons — no one living can be canonized — whose names are before the Sacred Congregation of Rites. The most recent to receive the Church's final approval were St. Sir Thomas More (1478–1535) and St. John Cardinal Fisher (1459–1535), both Englishmen, who were canonized in 1935. They were the fifteenth and sixteenth persons elevated during the Pontificate of Pius XI.

Spirit Possession. One of the significant forms of magic is that known as possession. A spirit is supposed to take possession of the body of the subject and to act and speak for him out of his normal ordinary role. Such possession may be by either good or bad spirits, but most actual records seem to have been of possession by evil spirits. The modern scientific explanation of the phenomena of possession is that of the split personality, or schizophrenia. Temporarily the personality is shifted or refocalized so that it takes on a different character or plays a variant role. In a minor degree this sort of thing is happening constantly to almost everybody, but it is the extreme cases that catch our attention and are likely to be reported. Our first example is taken from the Gospel According to Mark.[1]

And they came to the other side of the sea, into the country of the Gerasenes. And when he was come out of the boat, straightway there met him out of the tombs a man with an unclean spirit, who had his dwelling in the tombs: and no man could any more bind him, no, not with a chain; because that he had been often bound with fetters and chains, and the chains had been rent asunder by him, and the fetters broken in pieces: and no man had strength to tame him. And always, night and day, in the tombs and in the mountains, he was crying out, and cutting himself with stones. And when he saw Jesus from afar, he ran and worshipped him; and crying out with a loud voice, he saith, What have I to do with thee, Jesus, thou Son of the Most High God? I adjure thee by God, torment me not. For he said unto him, Come forth, thou unclean spirit, out of the man. And he asked him, What is thy name? And he saith unto him, My name is Legion; for we are many. And he

[1] Revised Version, Ch. V., secs. 1–20.

besought him much that he would not send them away out of the country. Now there was there on the mountain side a great herd of swine feeding. And they besought him, saying, Send us into the swine, that we may enter into them. And he gave them leave. And the unclean spirits came out, and entered into the swine: and the herd rushed down the steep into the sea, *in number* about two thousand; and they were choked in the sea. And they that fed them fled, and told it in the city, and in the country. And they came to see what it was that had come to pass. And they come to Jesus, and behold him that was possessed with devils sitting, clothed, and in his right mind, *even* him that had the legion: and they were afraid. And they that saw it declared unto them how it befell him that was possessed with devils, and concerning the swine. And they began to beseech him to depart from their borders. And as he was entering into the boat, he that had been possessed with devils besought him that he might be with him. And he suffered him not, but saith unto him, Go to thy house unto thy friends, and tell them how great things the Lord hath done for thee, and *how* he had mercy on thee. And he went his way, and began to publish in Decapolis how great things Jesus had done for him: and all men did marvel.

Possession Phenomena Due to Conflict. Similar phenomena seem to be observable in almost any primitive society. With the development of modern psychotherapeutics the cases of so-called obsession are apparently of less frequent occurrence. Among us they become cases of hysteria and similar phenomena. The following instances are taken from H. Besson's notes on possession among the Khabyle and of course refer to primitive people whose personalities have been subjected to the strain of choosing between the teaching of their own medicine men and that of the Christian missionaries. Perhaps possession is a phenomenon always connected with serious mental conflict.[1]

First case: I was called one day to go to a woman who used often to come to the station. I knew her as a sensible person, affectionate towards everyone, intelligent, quiet, natural, healthy in body and mind. I found her sitting in front of the house surrounded by numerous people. A priest, holding a lighted wick in front of the sick woman's mouth, was commanding the "spirit" to depart. Hearing the sound of my steps on the gravel, Fatma cried out in a completely changed voice: "I do not want him who comes with his iron-shod boots, I will not see him, I do not want the Gospel." I had not finished speaking to her before she became natural again and at once declared that she had distinctly felt herself under the influence of the devil. Two years later she had another fit.

Second case: M. and Mme. Mayor had gone to a Kabyle village to hold a service. They found a woman named Teitem struggling in the grip of several persons who held her fast; she wanted at all costs to run away. The missionary was told that "the demon had smitten this woman," the expression used by the natives to denote these cases. The priest was exorcising her and commanding the demon in the name of all the saints in the Arab calendar to depart. A strange voice issuing from the woman's mouth refused energetically. M. and Mme. Mayor were both seized with the feeling that they were in presence of a demoniac influence. They began to pray.

[1] Copied from material quoted by T. K. Oesterreich, *Possession* (Richard R. Smith, Inc., New York, 1930), pp. 132–133.

During the prayer the voice cried: "Go away!" Then the woman returned to her right senses. Later she was again taken with similar fits.

Third case: A man was known locally as being "sick of the demon." When in his right senses he obtained shelter in the mosques and monasteries. He often came to the station, where M. Mayor used to give him food and talk to him; his demeanour was that of a quiet beggar. When the fits took him, however, he used to flee into forests and caves, and wound himself with stones and pieces of wood. He one day came to the station in the course of an attack; he did not recognize M. Mayor and fled with wild gestures as soon as he was approached.

When he came to himself he declared positively that during his fits he was possessed "by an evil spirit."

M. Mayor observed (Besson adds) several other cases of the same kind, but the three quoted are the most characteristic. Here are the general observations which up to the present he has been able to make on these unfortunate people: the fits come on suddenly and go off in the same way, leaving the body in a certain lassitude. The voice is changed; the glance is fixed and haggard, but the eyes are in a normal position; the pulse beats regularly. The patient recognizes neither relatives nor children; he refuses to eat or drink; a force drives him to run away. His moral being seems changed, and it is as if there were a substitution of personalities. The presence of the missionary excites him to the highest degree or else frightens him, whereas, restored to his right mind, he shows affection and confidence towards "the man of the Book." Some cases have a fit every month, others every six months. Some only have two or three, or even a single one, in their lifetime. The proportion of women affected by this malady is greater than that of men.

Possession and Conversion. Possession by good spirits has also been frequently reported. A very common form of such possession in early times is what we now know as conversion. Originally the phenomenon of conversion appears to have been attributed to the entrance of a good spirit into the body from which evil spirits had been cast out; or, at least, to the dominance of the personality by a good or holy spirit. The early Christian conversions were supposed to be the work of the Holy Ghost, whose special function it was to take possession of the unregenerate. Numerous passages in the *New Testament* refer to this office of the Holy Ghost. Paul's conversion may be taken as an example of the method.[1]

But Saul, yet breathing threatening and slaughter against the disciples of the Lord, went unto the high priest, and asked of him letters to Damascus unto the synagogues, that if he found any that were of the Way, whether men or women, he might bring them bound to Jerusalem. And as he journeyed, it came to pass that he drew nigh unto Damascus; and suddenly there shone round about him a light out of heaven: and he fell upon the earth, and heard a voice saying unto him, Saul, Saul, why persecutest thou me? And he said, Who art thou, Lord? And he *said*, I am Jesus whom thou persecutest: but rise, and enter into the city, and it shall be told thee what thou must do. And the men that journeyed with him stood speechless, hearing the voice (or sound) but beholding no man. And Saul arose from the earth; and when his eyes were opened, he saw nothing; and they led him by the

[1] From *The Acts of the Apostles*, Rev. Version, IX : 1–22.

hand, and brought him into Damascus. And he was three days without sight, and did neither eat nor drink.

Now there was a certain disciple at Damascus, named Ananias; and the Lord said unto him in a vision, Ananias. And he said, Behold, I *am here*, Lord. And the Lord *said* unto him, Arise, and go to the street which is called Straight, and inquire in the house of Judas for one named Saul, a man of Tarsus: for behold, he prayeth; and he hath seen a man named Ananias coming in, and laying his hands on him, that he might receive his sight. But Ananias answered, Lord, I have heard from many of this man, how much evil he did to thy saints at Jerusalem: and here he hath authority from the chief priests to bind all that call upon thy name. But the Lord said unto him, Go thy way: for he is a chosen vessel to me, to bear my name before the Gentiles and kings, and the children of Israel: for I will shew him how many things he must suffer for my name's sake. And Ananias departed, and entered into the house; and laying his hands on him, said, Brother Saul, the Lord, *even* Jesus, who appeared unto thee in the way which thou camest, hath sent me, that thou mayest receive thy sight, and be filled with the Holy Ghost. And straightway there fell from his eyes as it were scales, and he received his sight; and he arose and was baptized; and he took food and was strengthened.

And he was certain days with the disciples which were at Damascus. And straightway in the synagogues he proclaimed Jesus, that he is the Son of God. And all that heard him were amazed, and said, Is not this he that in Jerusalem made havock of them which called on this name? and he had come hither for this intent, that he might bring them bound before the chief priests. But Saul increased the more in strength, and confounded the Jews which dwelt at Damascus, proving that this is the Christ.

Visions and Voices. The passage quoted above also illustrates two other forms of social control exercised by or imputed to the supernatural. One is the vision and the other is the voice. Both of these phenomena were of rather frequent occurrence in the days of Hebrew prophecy. Most of the prophets saw visions and heard voices, which they interpreted as coming from a divine being. Joan of Arc also heard voices commanding her to go to the aid of the young king of France. Such controls, whether they come from the supernatural or from the brains of the ones commanded, are frequently very powerful agents in social control. It is a matter of historical record that seers, magicians, and prophets have frequently controlled the destiny of peoples, and especially of primitive peoples.

Revelation. Very closely allied to these phenomena is that of revelation; in fact, revelation is a phase of the same type of social control. Modern religious organizations, especially those with the larger approval of the community and of educated people, discourage revelation, because of the reputation of its modern sponsors for deception and because it is so often delivered by the ignorant and relates frequently to trivial or magical matters. But in former times it was a very powerful control, as numerous cases recorded in the Bible show. Since this source of illustration is readily accessible to all, no case of

sincere revelation will be cited here, but one that was obviously intended to deceive the people will be copied from the life of Mohammed.[1]

> The knowledge of his (Mohammed's) illicit amours with . . . (Mary, an Egyptian slave) having come to the ears, or rather to the eyes, of one of his lawful wives, who thereupon reproached him most bitterly for his infidelity, he went so far, in order to pacify her, as to promise with an oath never to be guilty of a repetition of the offence. But the infirmity of nature having not long after triumphed again over the strength of his resolution, he had recourse to his revelations to cover the scandal of this shameless relapse. The expedient now resorted to . . . was nothing less than a pretended absolution of the prophet from the obligation of his oath. "O prophet, why holdest thou that to be prohibited which God hath allowed thee, seeking to please thy wives; since God is inclined to forgive, and merciful? God hath allowed you the dissolution of your oaths, and God is your Master." . . . This is but too fair a specimen of the general character of the Koran. By far the greater part of its contents were fabricated to answer particular purposes, which he could effect in no other way; and this was an expedient which never failed. If any new enterprise was to be undertaken, any new objections answered, any difficulty to be solved, any disturbance among his followers to be hushed, or any offence to be removed, immediate recourse was had to Gabriel, and a new revelation, precisely adapted to meet the necessities of the case, was granted. As an inevitable consequence, a vast number of variations and contradictions, too palpable to be denied, occur in the course of the book. His commentators and disciples acknowledge the fact, but account for it by saying, that whenever a subsequent revelation plainly contradicts a former, the former is to be considered as having been revoked or repealed by the latter; and above a hundred and fifty verses are enumerated as having been thus set aside by after-discoveries of the divine will. In this they are countenanced by the words of the impostor himself. "Whatever verse we shall abrogate, or cause thee to forget, we will bring a better than it, or one like unto it." "When we substitute in the Koran an abrogating verse in lieu of a verse abrogated (and God best knoweth the fitness of that which he revealeth), the infidels say, Thou art only a forger of these verses: but the greater part of them know not the truth from falsehood." When this feature of their religion is objected to modern Mohammedans, as it was by Henry Martyn in his controversy with them, they reply, that "this objection is altogether futile; for the precepts of God are always delivered with a special regard to the necessities of his servants. And there can be no doubt that these must vary with the varying exigencies of the times in which they are delivered. The divine Lawgiver may here be considered as the spiritual physician of his people; who, like a temporal physician, prescribes such regimen and medicines as are most likely to suit the wants of his patient."

Evil Spirits — Witchcraft. In our modern age we have come to think almost exclusively of supernaturalistic controls as benevolent. Perhaps this is due to the fact that modern science has made life much easier for man; such was the opinion, at least, of Professor Patten. But there was a time when Satan rivalled Jehovah in his power to control the destinies of men. It is frequently observed that the spirits of evil

[1] Adapted from George Bush, *The Life of Mohammed* (J. and J. Harper, New York, 1830), pp. 163–166.

have more prestige among primitive peoples than the good spirits, a fact that is sometimes explained as due to their belief that the good spirits will do them no harm and that the evil spirits are sure to do them hurt, unless they are propitiated. The evil spirits appear to have been ancient supernatural gangsters who preyed upon the defenseless mortals. This belief in the powers of evil spirits comes down to a very recent time, and indeed persists still among the ignorant and superstitious of our own time. In the sixteenth and seventeenth centuries it created a scandal in the form of the witchcraft persecutions. A brief account of the origins and nature of the belief in witchcraft will be presented here.[1]

The belief that certain individuals have supernatural power over their fellow-creatures, is by no means of recent origin. To say nothing of those spiritual possessions, the existence of which, antecedent to the Christian era, is generally, almost universally, admitted by the Christian world, witchcraft, in some form or another, has had a prominent place in every system of pagan mythology. At the advent of Christ, the existence of witches was universally accredited in the Roman Empire. Witchcraft was punishable, too, though it does not appear that the practice — pretended or real — of the arts so denominated, was considered an offence against religion. After Constantine had made nominal Christianity popular . . . the opinions and dogmas of the old Roman mythology were made to coalesce with the doctrines of Scripture; or rather, Paganism was *Christianized.* The rude uncouth system of Rome . . . was gilded over with Christianity. So far as religion was concerned, the revolution of Constantine did little else than to substitute new *names* for old ones. The *things* remained, to a great extent, unchanged. Only the grosser pagan observances were abolished. The superstitions of the old *régime* were transferred to the new. The notions about witchcraft . . . were all retained, substantially. They were modified, greatly modified — so was everything else, in fact — to suit the genius of the Christian system. . . .

The power very generally ascribed to witches — or rather, perhaps, to the evil spirit who instigated them — at this period was well nigh omnipotent. "They have a way of working," remarks an old writer, quoted by Dr. Hutchinson, "by severall elements — earth, water, ayre, or fire. Indeed," he continues, "who can tell all the manner of wayes of a witch's working — that workes not only darkly and closely, but variously and versatilly, as God will permit, the devill can suggest, or the malicious hag devise to put in practice?" It must not be supposed that this superstition was confined to a few bigoted ecclesiastics, and some scores of ignorant persons in humble life. It pervaded the whole community. Leading men — professors in the universities, eminent jurists, learned Jesuits and cardinals, kings and popes — all, or nearly all, unless they were acknowledged infidels, believed in the reality of these possessions by the devil, and the absurd and ludicrous antics he incited them to perform.

The witches "send out their imps or familiars," remarks the sage chronicler of these exploits already quoted — and his history was deemed authentic and indisputable at the time — "they send out their imps or familiars, to crosse the way, jostle, affront, flash in the face, barke, howl, bite, scratch, or otherwise infest" their

[1] Adapted from Francis C. Woodworth, "Modern Witchcraft in Europe," *The Christian Parlor Magazine,* 1847, pp. 214–216.

victims. On the whole, we do not think it very remarkable, that, considering the age in which he lived, and the universality of the belief in witchcraft at that period, so judicious a man as Luther should imbibe the notion that the fiend of darkness made predatory excursions to this planet, which we might deem somewhat beneath the dignity of this personage, and that, in some of his nocturnal visits, he maliciously stole hickory nuts and cracked them against the bedposts!

Taboo. Another powerful supernaturalistic control which was universally to be found among primitive peoples, and even among those of somewhat more advanced culture, is the taboo. This control normally belongs to the sphere of magic. Here we find not only the simple magical prohibitions against certain foods and contacts, but also those against types of behavior that are believed to have ethical as well as magical significance. To this latter order belong the ten commandments of the Israelitish tribes. A valuable philosophic discussion of this subject may be found in the writings of W. Robertson Smith, to which the reader is referred at the end of this chapter. Here we shall confine ourselves to a few examples and generalizations of a more concrete character.[1]

Taboo supposes in an object the presence of some holy or mystical charge which might explode if touched. Anyone touching the tabooed object becomes himself taboo and infects anyone who comes in contact with him. It is a sort of leprosy of the spirit.

Taboo, from the point of view of the ruler, has this advantage over a policeman, a wall, or a trespasser's board, that its owner can attach it to anything or anyone that it is desired to protect.

Every man and woman in Dobu, we read, knows taboos; how they are held is common knowledge: Neddidiway knew one that would cause bladder trouble; Magibweli, one to cause painful swelling of the groin; another man, one for gangosa (a horrible skin-disease); another, one to cause paralysis.

The malignant power of taboo depends, of course, on one's belief in it; but it is none the less effective. When a man whose religion forbade him to eat wild-fowl discovered, weeks after the event, that he had unwittingly done so at a friend's house, he soon died. A Maori, eating some chance-found food by the wayside and hearing it was the remains of the meal of a sacred chief, at once fell ill and died. (His knowledge, his conviction that the tabooed food was fatal, had persuaded his own "magic" to kill him.) . . .

No one knows who invented taboo, but it was clear who has profited by it — the older folk, particularly the wizards and the priests. . . . Any fright not fully understood leaves an uncanny feeling, and any joy too: a true loyalist would feel a certain delicacy in picking up a queen's handkerchief. If he "kept" it as a souvenir, the box in which it lay would catch a special quality in time. "How dare you wash those cups?" shouted a lady at a bazaar to her fellow stall-holders: "the Duke and Duchess have just had tea from them." It seems absurd, but not more so than the worship of a "blue's" ribbon or a lock of hair: all sympathetic magic relies on such feelings. . . .

[1] Adapted from E. J. D. Radclyffe, *Magic and Mind* (A. and C. Black, London, 1932), pp. 51–54.

There is a world-wide "taboo" upon priests and grandees. . . .

The Mikado of Japan two hundred years ago must have led a life which few would envy. It was a shameful degradation for him even to touch the ground with his foot; the sun and moon were not thought worthy to shine upon him. His hair, beard, and nails were never cut. In ancient times, he was obliged to sit on the throne for some hours every morning, with the imperial crown on his head, but to sit altogether like a statue, without stirring hand or foot, head or eyes, or indeed any part of his body. By this immobility it was thought that he could preserve peace in his empire.

At Shark Point, near Cape Padron in Lower Guinea, lives the priestly king, Kukulu, alone in a wood. He may not touch a woman nor leave his house; indeed he may not even quit his chair, in which he is obliged to sleep sitting, for if he lay down no wind would arise and navigation would cease.

Ritual and the Divine Presence. Ritual likewise is an important form of social control often attributed to the Supernatural. But ritual is also frequently of secular origin and does not belong exclusively to the category of supernaturalistic controls. The ritual is often associated with another supernaturalistic control, the feeling of the worshipper that the divinity whom he worships is present and observing him. Passing reference was earlier made to the control effect of this observing presence in the case of the patron saint. All ethical religions with a theological background have sought to make this feeling of the presence of divinity in some form or other a powerful element in the consciousness of the communicant. Consequently they employ a large body of ritual which implies the presence and supervision of the divinity or divinities. It is one of the strongest possible controls in the sense that it serves to prevent forbidden or tabooed conduct. Many devices are resorted to by believers who are in conflict, especially among primitive peoples, to escape the observation of the deities, while the priests are equally active in promoting this belief in their invisible presence. In earlier quotations presented above there were instances of resistance on the part of persons torn between two systems of belief or between conflicting desires to the reminding presence of a representative of divinity who might call the "possessed" one back from his attempted escape from the higher moral compulsions by relapsing into the primitive rituals. No doubt one of the chief uses of the graven image has been to make concrete and vivid this belief as it could not have been fostered with only an abstract and invisible divinity to depend upon. The Biblical story of Ananias and Sapphira illustrates this difficulty of making the abstract appeal of the presence of an unseen divinity effective and realistic to the ordinary communicant.[1] Russian peasants, wishing to commit some act forbidden by the priests or by their theological code, have been represented as first putting a

[1] See *The Acts of the Apostles*, V : 1–10.

screen between themselves and the ikons before proceeding with the forbidden acts.

The Corporate "Presence" as a Control. The conviction of being observed by the supernatural is very similar as a control to the knowledge or belief that one is being watched by his fellows, only it is all the stronger in proportion to the strength of the communicant's belief in the reality of the divinity and in his power to punish. Undoubtedly in this belief that one's conduct is observed and judged by gods and men lies the basis and sanction of conscience. Sometimes the two beliefs are intimately associated, especially at that stage of cultural development at which a strong belief in the divine presence is still preserved and has not yet been replaced by an advancing heed to a supplementary social sanction. The following passage describes vividly the operation of this dual supernaturalistic and human social control, and brings out strongly the powerful reinforcing effect of the presence of others when the communicant is in the presence of his God. The reinforcing social situation of the presence of fellow worshippers gives a sense of concrete and realistic social sanction to an act that would otherwise be highly abstract and perhaps mystically unrealistic. The same sort of social sanction or realistic reinforcement of divine worship is to be found in western countries, but the mystical element is usually less intense, perhaps because the whole act of worship in the West is ordinarily much more secular and human and less supernaturalistic than it was in the old Russian Church or in primitive religions generally.[1]

Russian Orthodox worship is characterised by the absence of mediation between the individual and God through the office of a human personality. The priest is not primarily prophet and pastor, not even "directeur de conscience" in the Catholic sense. Communion with God does not depend so largely on the message and the testimony of a human being. The priest is rather "dramatis persona" through whom God acts in the eternal drama of creation and salvation of which the divine office in the Church is the visible aspect. While the experience of "holiness" is essentially centred around persons in non-liturgical Christian communities, in the Russian Orthodox Church, while experience of holiness in a person is frequent — I may recall Dostoyevsky's description of the Staretz Sossima — it is primarily experienced in the liturgical service as a whole. This is one of the most powerful factors in the economy of salvation. "Holy" persons, possessing that strange something Rudolf Otto called the "numinous," seem to be aggressive; even if they are not aggressive at all in any common sense, they "polarise" people, seem to open them, to shake them, to drive them to some mysterious decision. In their presence all our religious mimicry to protect ourselves against God crumbles down. Russian Orthodox corporate liturgical worship makes this experience of "holiness" accessible to the community of worshippers without depending exclusively on "holy" personalities. An experience of God's holiness is given in a direct way,

[1] Adapted from G. G. Kullman, "An Orthodox Russian in the Presence of God," *Hibbert Journal*, XXVII : 235–240 (1928).

not through the mediation of one individual. This is undoubtedly one of the outstanding values of corporate liturgical worship. Protestantism, driven to a very understandable and necessary hostility against abuses and materialisation of ritualism and sacramentalism, has frequently lost sight of it, and has had to resort to evangelism and revivalism for an experience of "holiness." But Protestantism has now come to a stage of experience wherein it is conscious that revivalism and evangelism contain dangers and temptations as detrimental to true religion as ritualism. . . .

The Russian Orthodox worshipper is essentially a social worshipper. He "stands before God" *with others*. He is certain that God sees and knows him best with others together, in the Church. The worshipper himself sees and beholds God better along with others. God does not primarily belong to the one. He belongs truly to all. Each worshipper is strengthened by the worshipping act of the other. His own faith is multiplied by the faith of the others. He is carried by their faith as they themselves are carried by his. The member of a worshipping group has a social experience entirely different from that of any human association. It is a group whose orientation in attitude and activity is directed to something beyond all mere human concerns. It is felt by all group members to be in some very definite sense the only possible foundation of human fellowship. Only light rays from that source will distribute bright spots and shadows upon the social group in such a way as to reveal the true significance of fellowship, the significance of each member to the other and to the whole, and the significance of the whole to each member. In corporate worship, God is apprehended as the one who reveals himself fully and comprehensively only to all gathered together in fellowship. . . .

Obviously this worshipping experience cannot remain confined to the more or less casual group of worshippers in a given place at a given time. The very nature of the experience is such as to transcend time and space. The worshipper has fuller communion with God when he becomes mysteriously united with all men, dead and alive, who worshipped before him, in the Christian Church from the Apostles down through the ages together with all the saints, prophets, martyrs, confessors and teachers in the Church. While nearing God meant a breaking down of barriers, a communion in which the self was reborn in freedom, nearing God in corporate worship involves now at the same time a mysterious breaking down of barriers toward the "others." The worshipper can truly be with God only in so far as he is with the "others"; and to be with them, means to forgive them, to love and help them. A new solidarity of sin opens into a community of grace on a common road toward salvation. Corporate worship is an acceptance that God blesses the common road to salvation, that he truly wants to be addressed by all together; not with "My Father," but with "Our Father." Is there any other place in the world where men, even unknown to one another, show visibly their common need and concern in what is most precious in their hearts? Standing together before God is the fellowship-creating act *par excellence*, one transcending all rational and psychological forms of human association, one beyond economic or cultural "give and take," beyond the bonds of natural eros and sympathy. Corporate worship is the only social human act where man apprehends himself as an end in himself, together with other ends in themselves, and where, in addition to this, his own significance as an end in himself receives its fulfilment by the new consciousness that he is what he is only by partaking in freedom and in love in a fellowship turned away from itself toward God.

Thus the act of corporate worship is not merely based upon a dialogue with the present and divine "Thou," the act of faith in worship must include the "We

together." The worshipper experiences how the transcendant "wholly other" becomes present through a not less divine "We," God mystically present not in me, nor in you, but in us all together. Belief in God includes belief in the divine immanence of God in the Church, Christ's body, of which "we" are members. The worshippers stand on the line of a circle of which Christ is the centre. Each step of the worshippers toward the Son is not merely a step toward the Father, it is also a step toward the other worshippers. The very heart of the worshipper's inner, individual life with God is in itself organically tied up with the way of love and help and bearing one another's burden. . . . The Russian word for cathedral is "sobor," from the verb "sobratj," to gather. The holy "we," the Church, is the subject in corporate worship, the subject of religious experience at large. Only the "we" knows truly God's will for life. God's truth, a life of abiding in Christ, cannot be conceived outside his body. . . . The Russian term for salvation might be best rendered by "to be nurtured together."

It is difficult to describe to people who have not experienced it themselves the intensity of Russian Orthodox worship. The liturgy becomes the greatest vitalising and socialising function in the life of the Church. While German Protestant liberalism coined once the phrase "Menschendienst ist Gottesdienst," one might best characterise the Russian Orthodox attitude by reversing the sentence into "Gottesdienst ist Menschendienst." If the Church is first of all the way in which we stand before God, then, logically, corporate worship is the primary function of the Church, over and above any teaching and ministration. Russian Orthodox worship is not a mere means of edification, a "device for inspiration" besides other things equally or more important in the Church, it is the very heart of the life of the Church itself — a life without which communion with God is almost unthinkable. Through its tremendous social emphasis it is even more, it is the starting point of a redeemed social life. Love to one's fellow-men begins in the corporate act of worship itself, not afterwards. Corporate worship is the source of power for the transforming process in human relationships.

Religion and Supernaturalistic Control. Supernaturalistic controls were embodied in the early religions and in fact constituted a very important aspect of these religions. Primitive man sought to explain his relation to the supernatural in order that he might master or control the world in which he lived through a conciliatory or servile relationship with the supernatural powers. Thus came into being the theologies which were, as Comte pointed out, the early forerunners of a scientific explanation of the universe and of the problems of social relationships. At first these theologies, with their social mechanisms of magic, were almost the sole content of religion; but gradually, as is explained in the passages quoted below, these theologies began to give way to a more ethical and social type of religion closely allied to the content of the social sciences. Although religion is now less supernaturalistic than formerly it is still an important element in the social explanatory and control situation.[1]

[1] Adapted from L. L. Bernard, "Religion and Theology," *The Monist*, XXXII : 61–65 (Jan., 1922).

Religion is still confused with theology, although the latter is only one aspect of the religious attitude and explanatory theory. Religion, psychologically speaking, is an attitude. Philosophically or sociologically, it is an explanation, or a justification, of something which the subscriber wishes greatly to have explained or justified. Its social function is that of the control of the world in which its devotees live, or of those parts of their environment with which they are most vitally concerned. These two aspects, the affective attitude and the philosophic explanation, are indispensable to all religious experience and belief and are found together in all religious doctrine and dogma, just as creed and the reverential attitude are always associated. If the thing to be explained is a mystery which has greatly puzzled men, or which they profess not to be able to comprehend by means of the reason, or which they cannot easily justify from current causal and moral philosophies, the explanation and justification appear all the more wonderful to the believers and are greatly prized. In such cases the attitudinal side is highly developed, the believer's emotions often rising to the pitch of adoration or awe. A religion which makes such a strong appeal as to become practically exclusively accepted within the region to which it has spread is likely to be based philosophically on a very great and absorbing mystery, on the one hand, and to make a tremendous appeal to the emotions in the forms of reverence, gratitude, love and adoration, especially for the personal objects or factors involved in the explanatory theory, on the other. Thus, the great historic religions have usually been concerned with the explanation of the whence and whither of man, a solution of the destiny as cast along the simpler and more cosmic lines, while often neglecting the terrestrial and complicated immediate aspects of his destiny, regarding them merely as incident to the other more cosmical processes. The personalities conceived of as directing this destiny have been the objects of the strongest attitudes of love and hate, gratitude and fear, and other emotions, according as the dispensation of destiny was regarded as favorable or unfavorable to the recipient.

A theological religion is one in which personalities, especially gods and goddesses, play leading roles. The mystery or problem is there, as in all religion, but the explanation is closely tied up with the personalities of the beings who are supposed to dominate the cosmic or terrestrial situation. In fact, since man at first knew neither physics nor chemistry, biology nor psychology and sociology, but explained all phenomena in terms of personalities or personal causation, in the early stages of religion the gods themselves were the explanations. Primitive, and even barbarian and early civilized man did not often seek to go beyond personality into the organization of forces and factors behind these. In fact, he reversed the scientific method of explaining social phenomena, regarding the personality in the situation as the cause of other phenomena rather than as the product of them. Environment was constituted for him practically entirely of personality or quasi-personalities and not of the elaborate complexity of physical, biological and psycho-social factors and combinations of these, as we are now learning to conceive it. All early religions were therefore theologies or pre-theologies, in which causation and process were thought of as personal or by analogy of personality activity.

Only with the coming of a more objective method of analysis of natural and social forces has religion come to be divested increasingly of the theological and to take on the metaphysical and scientific aspects and forms. The scientist of today is inclined to explain the theological personalities as ideal objectifications of man's desires and sense of the right and proper organization and balance of things, always stated in terms of personal relationship and causation, because he knew no other formula. He clothed his divinities in the perfect forms of those attributes which he

himself possessed in imperfect measure. What he should have desired to be, the gods were — omniscient, omnipotent, immortal, sometimes all-good, always all-cunning, omnipresent, with infinite powers of transmutability and of visibility and invisibility at will. They possessed his own emotions and form, or those of the animals he loved, feared, or respected, but always in greater perfection than he had them, or at least in more perfect adaptation to the purposes or ideas which they were supposed to serve. Thus the gods have been regarded as the anthropomorphic creations of idealistic and striving, self-conscious, and more or less socially conscious, man.

As man's analysis of his external world proceeded to the point at which he began to be able to formulate abstract statements of physical forces, to see climatic, geographical and biological factors at work, his tendency to state all phenomena in terms of superior personality manipulation, by analogy of his own immediate experiences, slackened. As the prototypes of physics and chemistry appeared and the concept of natural law developed theological personalities began to fade. A metaphysics began to take the place of theology in the minds of the learned, and this was in turn succeeded by a developing body of scientific concepts. Causation became increasingly abstract and less and less personal. . . . Among the scientists of today there is some danger that theological personalities may become merely mythological, disappearing altogether from their thinking as active causal concepts.

But religion has not ceased to exist with the decline of the gods and the theologies which explain them. Although the popular tendency is to regard religion as exclusively theological and to disregard any non-theological definition of religion, the movement above described, away from personality over to abstract explanation, may be observed in all the traditional religions which have adherents in the western civilized nations. The tendency is particularly to be observed in the various forms of Christianity and Judaism. We have not lost our interest in the same old mysteries of life and mind and matter, the whence and the whither, the origin and the destiny of man; but we have learned to explain these mysteries and to justify the processes — evolutionary or otherwise — more and more in terms of scientific processes and concepts. Also we have become increasingly interested in the present aspects of man's destiny, with the result that religions have become less cosmical and more social at the same time that they have become more scientific. The concept of heaven and the heavenly society becomes less definite and that of a better human society on this earth grows to take its place. Social ethics tends to grow at the expense of ritualistic observance based on a theological past. Some have even prophesied that the great historic religions, subjected to the transforming influence of modern scientific concepts, must either lose their theological character and become humanized and socialized, or perish, giving place to newer religions which embody the explanatory theories and the idealistic devotion to them which conform to our own age.

The Control Functions of Religion. The early systems of social control were almost completely formulated and explained by the early supernaturalistic religions, which sought to define and prescribe man's relations with spirits and gods, and thus to control human destiny and behavior. Although the supernaturalistic content of religion no longer occupies as prominent a place as formerly, the control functions of religion continue to be exceedingly important in the life of man. Reli-

gion still aspires to regulate the personal and private aspects of human behavior, and it might be even more successful in this aim than it now is if it gave more thought and effort to the modernization of its standards of conduct in the direction of ethical and social criteria or values. It is perhaps to be regretted that religion has largely abandoned its efforts to control the public relations of men, leaving them as it has largely to the domination of commercial motives and political intrigue. The unfortunate fact is that some organized religious groups have not prepared themselves sufficiently with a knowledge of the needs of public relationships to render themselves capable of offering intelligent guidance in this connection. In order to function adequately as a guide or control factor in either personal conduct or in public relationships they must of course adopt the criteria and techniques of psychology, ethics, and the social sciences and replace more fully their old methods of magic with those of applied science. The following passage gives some hint as to the processes involved in this transition in the control functions of religion.[1]

> The function of religion, whether theological, metaphysical or scientific in its method of interpretation, has always been to control the environment directly or to provide a theory of environmental control. The great historical religions, which have absorbed the effective attention of the masses of mankind during historic times, have endeavored to expand this theory of control and adjustment to cover the whole of space and time and to look upon man and his social organization as the product, although chief terrestrial objective, of this cosmic process. The chief questions asked and for which answers were sought in the nature of the cosmic religious order was the whence and whither of man and his duties relative thereto and to the author or authors of this destiny while he sojourned on the earth. The different great religions made different answers to these questions, but none was uninterested in them. Before the great historic religions developed, the problems of control were more immediate and local and man's religious interpretations less philosophical. This is the period in which control by what is called magic was dominant, but the method of magic continues still to be, at least in the larger affairs of man — those which seem to be out of his immediate reach and purview — the professed method of control, even in the professedly theological stages of religious development, that is, in the polytheistic and the monotheistic stages, and to a large degree in the pantheistic stage. Magic disappears, or tends to disappear, as the method of control, only as man's analysis and abstraction of the physical forces and processes of nature give him a capacity for refined and progressive adjustment to his environment, which he lacked in the stages of the dominance of magic.
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> When the system of religious control reaches the stage of development at which it becomes a theory of control instead of merely a technique of control, it serves as a source from which the individual may draw the materials for a philosophy of life for his guidance, although the average individual is likely to be guided in his conduct more by his subconscious valuations and impressions than by his consciously arrived-at determinations. A system of social ethics, at first mainly ritualistic and later more or less rational, grows up within this general system of

[1] From L. L. Bernard, "Religion and Theology," *The Monist*, XXXII : 76–78 (Jan., 1922).

religious philosophy to take care of the every-day human contacts. As the scientific aspect of religion develops at the expense of the theological or magical, the philosophic explanatory system develops into a correlation of the sciences, and the social ethics is attached more firmly to the sciences contributing to this philosophic system and is transformed into a sort of social philosophy. Also as the content or objects of attention in religion are transformed from personalities or divinities into scientific principles or formulae and systems, the strong emotional attitude connected with the former is likely to be weakened before the progressive intellectualization of the latter. Dogmatism, so often the accompaniment of theologies, is much mitigated in the scientific religions; change of idea and content is accomplished much more easily, with the result that explanations of environment are brought and kept much more nearly up-to-date.

So noticeable is all this that many people would not speak of religion after the metaphysical stage is reached, at least as a general system of explanatory philosophy or science. To them there does not appear to be enough of the affective element to justify the term religion. But there is always a strong affective attitude towards the content of any general philosophic or scientific explanatory system which is used to orient one's thinking, or action, toward the major problems of life. People are not lacking in devotion to that general synthesis which they often call just "science" and which they use for such guidance. "Science" has its perfervid partisans as well as "religion," or, better, as theological religion or some metaphysical cult. If there is not as strong dogmatism about science it is primarily because the objects of affective attention are abstractions instead of concrete idealized personalities and they are arrived at by intellectual analysis instead of emotional synthesis.

Effect of the Declining Belief in Supernaturalistic Controls. Much anxiety has been expressed by many persons who have observed the decline of popular belief in the reality of supernaturalistic controls. It has even been said that if there were no divinities it would behoove man to create them for the sake of the aid they give to him in the exercise of human controls. We have also been reminded that a belief in the existence of a hereafter and immortality (with their concomitants of rewards and punishments for deeds done in the course of earthly life) is equally indispensable for purposes of social control. One cannot deny the force of these arguments or even fail to regret in some measure the passing of such powerful controls. But that they are declining in strength for the great masses of the people there can be no reasonable question. Where such beliefs are held, even nominally, they usually lack the conviction of a sense of reality. For most men substitute controls must be found. What shall they be?

The most obvious substitutes for the supernaturalistic controls are the ethical and the social — the consciousness of moral obligation on the subjective side and the building up of objective social controls such as beneficent customs, just laws, the social sciences, and education on the objective side. As a matter of fact, this substitution has been going on for a long time, for a longer period than that for which we have any definite authentic history of mankind. Even when men believed un-

questioningly in the existence of supernaturalistic beings and controls these controls were frequently not effective with them in producing the proper behavior. It was too difficult at the time of temptation to remember the anticipated punishment and reward and to make them vividly concrete and realistic in opposition to much more insistent emotional and appetitive urges of the moment. As one of our readings shows, the presence of others is necessary to reinforce the appeal of the supernatural. So ethical social sanctions have long been growing up to supplement supernaturalistic sanctions in social control. The remainder of this volume will deal with the development and content and efficacy of these newer types of social control. They represent the major constructive aspects of the theory of social control.

Do We Need a New Religion for Social Control? What has just been said seems to indicate that the old magical and theological concepts and teachings of religion are no longer adequate as functioning social controls. They fall short of legitimate expectations in the results they produce. They belong to an outmoded order of thought and action. Effective social control as a consequence is passing from the historical religious to other institutional aspects of life, such as the economic, the political, and the commercialized amusements. These are inadequate for the task of control, partly because they do not make a sufficiently intimate appeal to man's inner nature, to the conscience so to speak, and partly because they are not themselves sufficiently ethically motivated. They deal too largely in externals, in the mere mechanics of life, and are too corrupt, as we have already seen, to be effective guides for men. They themselves need the regenerating influence of some more intimate spiritual control, such as religion should be. Science is a tool rather than a motive force in social control. It will serve any master, but no master is efficient without its service. Then, perhaps we need a new religion, one that will free itself from those inadequacies of the old that have already been pointed out. Says Professor Finney:[1]

> What the world needs to-day, if it is to develop a human nature of the new, cooperative type, is a new religion that frankly abandons the primary appeal to self-preservation, but appeals instead, directly and overtly, to the other-regarding, group-preserving instincts. . . . Religion must set up, as the main business of life, the enterprise of helping to make this a better world to live in. Looking out for number one, here and hereafter, must be definitely subordinated. The unspeakable tragedy of millions of mankind stumbling along, generation after generation, through a belated darkness that might have been dawn, must wring the heart of the new-type Christian like the pains of damnation. The ceremonies, penances and services of that new religion must consist in removing the causes of poverty, crime, misery and despair, increasing the opportunities for achievement and self-realiza-

[1] Ross L. Finney, *Causes and Cures for the Social Unrest* (The Macmillan Co., New York, 1922), pp. 274–275. Reprinted with permission of the publishers.

tion, and making two blades of human happiness grow where but one had grown before. Such a religion will emphasize the responsibilities of democracy more and its privileges less. A religion that sets up the social good as its prime objective will . . . stimulate to action the latent cooperativeness now dormant in human nature, and so produce the cooperative society it sets up as its goal. Such a religion will be a new thing under the sun.

Or a New Emphasis in Religion? It is to be observed from the preceding quotation that Professor Finney did not advocate an entirely new religion. He seems to have hoped for a new spirit in the old religion. Such also seems to be the emphasis of Professor Todd in the passage quoted below. He goes further and points out what he conceives to be the work of this new religious emphasis in practice.[1]

Church leaders and labor leaders may not always see eye to eye. Employers and politicians may advise churchmen to mind their own business, and to keep their noses out of industry and politics. While certain churchmen are still conservative and other-worldly, there can be no doubt that contemporary organized religion is placing great emphasis upon its social gospel. Without neglecting its concept of the supreme worth of the individual soul and aiming its evangelistic work at that target, it is equally convinced that individuals can not and do not live in a social vacuum, and that therefore the social order as well as individual souls must be ministered to, evangelized, reconstructed and if necessary revolutionized. While religion by its very nature must in theory construe its own program as offering full salvation to both the individual and the social order, nevertheless modern religious leaders are thoroughly disposed to cooperate inter-denominationally and also with enlightened business men, labor leaders and politicians on behalf of an industrial and social order more in keeping with a genuine Christian ideal commonwealth.

The Gradient in Supernaturalistic Controls. It may probably be concluded from the preceding exhibits that the supernaturalistic social controls, although once very powerful, have in considerable measure, as scientific culture has advanced, given way before human social controls. This transition represents the triumph of concrete understandable mechanism over vague and doubtful mysticism and magic as a method of manipulating the human world. There was a time when, in great areas of human conduct, there were no known secular controls adequate to deal with the vast majority of social and even physical situations. In such cases the only resort that offered itself was to the supernatural by such methods as we have described above. Even now, much of our world, social and physical, remains unexplored and unexplained, and there is a corresponding appeal to the mystic and magical methods of control. More recently, a growing science of psychology has been effective in finding naturalistic explanations of psycho-social phenomena and in developing controls in this field in ways comparable

[1] A. J. Todd, *Industry and Society* (Henry Holt and Co., Inc., New York, 1933), p. 587.

to earlier achievements in the realm of mechanics. Sociological science is also making its contribution to this field and is leading us to an appreciation of the fact that many of the controls that we formerly regarded as supernaturalistic are in reality social. At the same time, through the aid of sociology, we are coming to see that religions serving as social control systems may be built upon a secular as well as upon a supernaturalistic basis.

STUDENT EXERCISES

1. Name the different types of magic mentioned and illustrated in any available treatise dealing with magic.

2. The students should be asked to report other cases of the use of magic corresponding to those mentioned in this chapter.

3. They should also be questioned as to any other types of cases which they have observed or of which they have heard.

4. Some student may be assigned to report on prayer as a form of magic. He may consult encyclopaedias, treatises, and studies of primitive peoples.

5. Another student may be allowed to report on the vocation of the medicine man. He may use similar sources.

6. What continuity of vocation can be discovered between the primitive medicine man and the modern physician, priest, artist, orator, or entertainer? Herbert Spencer's *Principles of Sociology*, Parts VI and VII, presents some observations in this connection which have been criticised.

7. Students may be assigned the task to go through the four *gospels* and the *Acts* of the New Testament and list and describe the miracles recorded there and indicate their use for social control purposes.

8. Other students may do the same for the *Koran* and for works dealing with miracles in other religions, including those of the Catholic church.

9. The results from these various sources may now be compared in an effort to discover any possible differences and correspondences in the employment of miracles for social control purposes as between various religions.

10. Present a detailed psychological explanation of the phenomena of possession. See Oesterreich, *Possession*, Part I.

11. Do the same for witchcraft.

12. Make a similar explanation of revelation and prophecy.

13. Do the same for supernatural "voices" and the seeing of "visions."

14. Some student may be asked to report on the supernatural controls exercised through Joan of Arc.

15. As many of the Old Testament prophets may be studied as there is time available for this purpose and their technique and the social effects of their controls reported to the class.

16. The *Koran* may also be examined in the same way for illustrations of revelations.

17. George Lyman Kittredge's *Witchcraft in Old and New England* (1928) may be examined for the history and social control significance of witchcraft. The questions that should be answered in this connection are: (1) What social and moral conditions gave rise to the witchcraft epidemics? (2) The control of what social conditions were aimed at by the witch persecutions?

18. Some student should make a similar report on the Salem witchcraft delusion.

19. The whole class may be asked to read the quoted passage on *taboo* reprinted from Robertson Smith in Park and Burgess' *Introduction to the Science of Sociology*, pp. 812–816.

20. Students may be asked to report on instances in church services and other religious exercises indicating a belief in the watchful presence of divinity. How does this belief appear to affect the behavior of those holding the belief?

21. The class may be requested to make observations and report on the apparent relative influence of the presence of God and the presence of fellow men upon the behavior of the people they know.

22. Which seem to get the best control results from the presence of God, the orthodox or the unorthodox religions? Explain the answer.

23. In which of these two groups do the best social control results appear to come from the presence of men?

24. Explain in terms of social psychology the origin of conscience.

25. All students may be asked to read Louis Wallis' *God and the Social Process*, pp. 197–201 (descriptive of the evolution of the ten Hebraic commandments) as an illustration of the employment of taboo.

26. Simon N. Patten's *The Social Basis of Religion* (1911) may be consulted for a theory of the effect of increasingly favorable economic and cultural conditions upon the supernaturalistic appeal in religion.

27. Chapter XIX ("The New Religion") of Ross L. Finney's *Causes and Cures for the Social Unrest* (1922) should be assigned as required reading for the class as a whole.

28. Professor A. J. Todd (*Industry and Society*, 1933, Chapter XXX) has an account of the work of the churches looking toward industrial and labor adjustment. This chapter should be assigned to the class or reported by one of its members.

29. Students should be encouraged to collect examples of the survival of magical practices and magical beliefs into modern life. If this is done with interest and enthusiasm a very instructive meeting of the class may be devoted to relating and classifying these cases under various headings, such as business, religion, amusements, morals, friendship, marriage, etc., etc.

30. If a more systematic treatment of magic than could be presented in this chapter is desired any standard work on the subject may be consulted or an article by the author of this book may be read: "A Psycho-Sociological Interpretation of Magic," *Publications of American Sociological Society*, XXII: 60–71 (1928).

Chapter XVII

THE ETHICAL CONTROLS

Early Man without Ethics. We have already called attention to the fact that the ethical criterion of control appeared late in the history of mankind.[1] For perhaps something like a million years, if we accept the current archaeological estimate of time, there was no theory of social control whatever. Men lived and behaved much as the animals did. What they wished for, what their appetites demanded, they procured, if they possessed the strength or commanded the cunning with which to achieve their desires. There was no problem of right or wrong involved so far as their minds could conceive. Might was right in a world in which no question of ethics was ever raised or even perceived. Primitive men had no concept of morals and there was no language — no terminology — in which to express and objectify such a concept if it had existed.

How the Gods Were Civilized. Throughout most of his history man lived in this realm and social order which approximated that of the beast. And then came new masters greater than man. They were the supernatural spirits, which later grew into gods — the gods of polytheism — and were much later merged into a single great spirit — an all powerful god — under monotheism and nationalism. If it is true, as Hesiod and Lucretius said, that men created the gods of the Greeks and Romans in their own images, instead of the gods creating men, this fact did not make the gods less powerful in the social control which they were supposed to exercise, and which was administered in their names. As was pointed out in the first chapter of this volume, the supernatural beings, or at least their agents, came in time to claim all powers of rule for themselves, whether for good or for ill. "Vengeance is mine," said the Lord. And all good things, too, are of the gods. But the gods ruled like men, not ethically, but by force and by cunning, and often for ends that were paltry and trivial and even obviously immoral. They too exploited. They were jealous gods, avid of honors and of flattery, loving the flowing blood of victims or the sweet smell of incense and human sacrifice. They cared more for unquestioning and unscrupulous service than they did for moral righteousness. Ritualism rather

[1] See James H. Breasted, *The Dawn of Conscience*, for an account of the rise of the ethical point of view.

than good deeds was their standard of value. They always saw to it that their priests and medicine men had the best of things human. They had the emotions of men and the insatiableness of demons. They had to be civilized and made amenable to reason the same as men. In time the gods were moralized, at least as much so as men, and a moral order grew up within the sphere of ritual.

Teaching the Gods Mercy. But it was men rather than the gods who made the moral order of the world and imposed it upon the gods. There is a curious passage in *Genesis* that illustrates this process. Fear, not love, was the great weapon by which the early gods ruled the world of men. So when Abraham wishes to soften the wrath of his god (not yet the Yahweh of Moses or the modern merciful god of love of the Christians, who is banished in war time), he obsequiously and tremulously makes suggestion for the improvement of the supernatural justice, apologizing at each successive proposition and negotiating with his god by haggling, much in the same manner that he would have used with a merchant at the fair who had something to sell which he very much desired.[1]

And Abraham drew near, and said, Wilt thou consume the righteous with the wicked? Peradventure there be fifty righteous within the city: wilt thou consume and not spare the place for the fifty righteous that are therein? That be far from thee to do after this manner, to slay the righteous with the wicked, that so the righteous should be as the wicked; that be far from thee: shall not the Judge of all the earth do right? And the LORD said, If I find in Sodom fifty righteous within the city, then I will spare all the place for their sake. And Abraham answered and said, Behold now, I have taken upon me to speak unto the Lord, which am but dust and ashes: peradventure there shall lack five of the fifty righteous: wilt thou destroy all the city for lack of five? And he said, I will not destroy it, if I find there forty and five. And he spake unto him yet again, and said, Peradventure there shall be forty found there. And he said, I will not do it for the forty's sake. And he said, Oh let not the Lord be angry, and I will speak: peradventure there shall thirty be found there. And he said, I will not do it, if I find thirty there. And he said, Behold now, I have taken upon me to speak unto the Lord: peradventure there shall be twenty found there. And he said, I will not destroy it for the twenty's sake. And he said, Oh let not the Lord be angry, and I will speak yet but this one: peradventure ten shall be found there. And he said, I will not destroy it for the ten's sake. And the LORD went his way, as soon as he had left communing with Abraham: and Abraham returned unto his place.

The Gods Violated the Mores. The gods themselves were not free from sin, and it is to be noted that their sins were against the mores instituted by men, for the conduct of men. Two interpretations of this fact are possible. In some cases, no doubt, the gods are conceived as subject to the same sort of conflicts regarding conduct as are men and

[1] *Loc. cit.*, XVIII : 23–33

as liable like men to yield to temptation. In other cases, the gods being traditional beings with traditional folkways, have been outgrown morally by the population as a whole, who have from time to time revised their moral practices and standards in the light of better knowledge. Even modern orthodox religions tend to retain these older and less ethical conceptions of their gods, coming down from the days of savagery and barbarism, in the midst of contemporary civilization. Says Hobhouse in this connection,[1]

> The immoralities attributed to the gods of polytheism are notorious, and though it is fair to urge that they belong to the world of primitive conceptions wherein the gods had their birth, still, the very fact that they are retained militates, as the Greek philosophers knew, against a spiritual religion. The gods themselves suffered punishment for their wrong-doing. Apollo was compelled to become the slave of a mortal, and a regular penalty of eight years passed without nectar or ambrosia lay upon the Olympians who swore falsely by the Styx.

Primitive Man's Notion of the Gods. One of the American sociologists, Edward Cary Hayes, has put this whole matter of morals in religion very clearly. In the passage presented below he shows that early religion — that is, religion in its strictly theological or magical stage of development — had no connection with ethics. It merely represented a system of ritualistic control enforced through fear of the invisible and the unknown factors in nature and life by means of which those who were in control of the mysteries were able in most, or in many, cases at least to dominate the wielders of arms on the one hand and the ignorant and puny on the other hand, without striking a single blow. In this passage Hayes also has pointed out how a modern socialized and moralized religion has come to exercise a new type of social control in keeping with its higher ethical principles.[2]

> In the roots of its development religion has no essential connection with morality or righteousness. The gods were thought of as exhibiting the motives and passions which man would exercise if he feared no superior, and religious conduct was simply the etiquette or ceremony of the court of the unseen potentate. And as man was always in the presence of the unseen he was always living at court and must regulate his every action by the required ceremonial. It was natural and inevitable to think that the requirements of the unseen would resemble those enforced by visible rulers, and there was a general correspondence between the obeisances, adulation, and tribute rendered to both. Conversely, visible rulers have been quick to avail themselves of the obvious addition to their own power which resulted whenever peoples could be made to feel that the gods required that which the visible rulers commanded. Omitting for the present many qualifications, we may say that ethical requirements result from the lessons of experience concerning that which

[1] L. T. Hobhouse, *Morals in Evolution* (Chapman and Hall, London, 1906), II : 61.

[2] From Edward Cary Hayes, *Introduction to the Study of Sociology* (D. Appleton and Co., New York, 1915), pp. 563–565.

promotes or diminishes the common welfare. Rulers early recognize the teaching of experience as to what promotes the tribal strength and solidarity for purposes of war, and in the patriarchal phase they are not blind to that which promotes economic prosperity. As soon as rulers or leading men (prophets) become deeply interested in the tribal welfare they feel certain that what they are convinced the common good requires, is in accordance with the will of the unseen spirit-patriarchs and divinities of the tribe, and so they declare to the people that to secure divine favor and avert divine wrath, to secure prosperity in basket and store and victory over their adversaries, they must fulfill not only ceremonial but also ethical requirements. When to proffered rewards and threatened punishments in this life is added the thought that the same unseen potentates will rule over and continue their favor or disfavor in a life to come, religion becomes a yet more stupendous agency of social control.

The Priestly and the Prophetic Tendencies. Two distinct tendencies in the development of religions are recognized by scholars. The first may be called the priestly tendency and the second the prophetic; the first is based chiefly on fear, the second more on hope and love; the first inculcates ritual requirements, the ceremonies and observances by which to court the favor of the invisible potentate and all distinctively religious requirements while it looks down upon "mere" morality, insisting far less loudly upon righteousness than upon religious conformity, but the second inculcates chiefly ethical requirements, it may even say, "Incense is an abomination unto me. Will the Lord be pleased with thousands of rams, or with ten thousand rivers of oil? . . . What doth the Lord require of thee but to do justly, and to love mercy, and to walk humbly with Thy God." The first approaches deity with supplication, praises and flattery, conciliation and atonement in order to secure favor and favors; the second trusts an ever-waiting love and does not seek special favors but finds the sufficient reward of communion in the sense of personal relation with the divine. The first is predominantly selfish, a means by which the worshiper may secure to himself the divine favor, avoid calamity, secure prosperity, and save his own soul; the second is benevolent and patriotic, prescribes the method by which to secure the common prosperity and triumph of the group, and at its highest aspires toward a universal kingdom of righteousness, the establishment of which is the supreme cooperative enterprise in which all good men combine with God, and what is "done to one of the least" of the great brotherhood is done unto the God of all. The first is conservative and reactionary, ever calling upon men to maintain "the religion of their fathers," and unwilling that any belief or practice regarded as religious should be abandoned or modified; the second is progressive, always adapting its requirements to existing exigencies and apt to say, "Ye have heard that it was said unto you by them of old time . . . but verily I say unto you"—that requirements once thought essential are unimportant and that only vision that distinguishes the ethically fundamental from matter of observance and opinion and applies universal principles to the present demands of society can fulfill the will of God.

The Birth of a Sense of Obligation. An ethical significance to conduct grew up among men very late, even in historical times and gradually permeated religion as it did the rest of life. This attribution of moral significance to conduct undoubtedly grew out of the exigencies of human relations, or the necessity of bearing and forbearing in an increasingly complex social situation, the unavoidable give and take in

practical communal living. We can gain some understanding of the moral history of early man by observing the lower animals. They often manifest affectionate and antagonistic attitudes towards one another, but these appear to be purely subjective and individualistic. They have no moral attitudes as such, or at most very rudimentary ones. If the essence of the moral attitude or of conscience is the ability to see and evaluate behavior in the light of the attitudes that others take toward this behavior, we see only the faintest indication that lower animals possess it. The apes and the more intelligent dogs do seem to feel some degree of shame for some of their acts which are ridiculed or otherwise disapproved by human beings, but not by other animals of their kind. No animal below man appears to be capable of ridiculing another animal, although one animal may express anger toward another. Anger begets fear, but fear is not a moral attitude. The feeling of shame, as the story of the expulsion from the garden of Eden puts it, is the beginning of moral wisdom. And no lower animal is capable of inspiring shame in another. It is very difficult to distinguish between fear and shame in lower animals. What occasionally seems to be shame in a dog or an ape may in reality be only fear. Neither do primitive men early experience shame for their acts. Most of the functions of nature, including sex acts, are likely to be performed more or less in the open and without consciousness that any one might disapprove. The sex acts are frequently an exception, because the gods and rivals are supposed to disapprove. In such cases restraint is due to the nature of the act rather than to the social circumstances in which it is performed. Even today the Indians of Mexico and the peasants of Europe frequently perform natural functions in public. It is said that the question as to whether homosexuality and certain autosexual acts in public were proper first became a matter of serious discussion in the time of Socrates and Plato. The scarcely veiled toilet facilities which abound in the streets of a modern capital such as Paris are mute but eloquent witness to the fact that some types of shame are tardy in development.

Conduct in the Seventeenth Century. Primitive man was also accustomed not infrequently to act violently and with extreme selfishness, with very little or no consciousness of impropriety. Even today many uncultured parents strike about among their offspring with considerable carelessness, to say nothing of angry brutality. The most popular type of humor is still of the slap-stick variety and the practical joke, with its obvious if somewhat suppressed malevolence of attitude, remains the funniest to the masses of mankind. Societies for the prevention of cruelty to animals and to children are little more than a century old, and it is noteworthy that the former antedated the latter in point of development. Bestiality and fraud and deception of the

crudest sort have been common until fairly recently, and they are still a matter of frequent occurrence among those brought up under low cultural conditions or amidst what we are accustomed to call the slums. Even the gently bred, including representatives of religion, were very crass in their manners and morals until within a relatively recent period. One of the achievements of such a court as that of Louis XIV was to refine manners, although they had but indifferent success in the matter of morals, especially of sex morals, gambling, drunkenness, and the like. We may illustrate our point with a brief excerpt from the great historian of English literature describing the morals of the court of Charles II of England.[1]

At the head of all, the king sets the example. This "old goat," as the courtiers call him, imagines himself a man of gaiety and elegance. What gaiety! what elegance! French manners do not suit men beyond the Channel. Catholics, they fall into a narrow superstition; epicureans, into gross debauchery; courtiers, into a base servility; sceptics, into a vulgar atheism. The court in England could imitate only French furniture and dress. The regular and decent exterior which public taste maintained at Versailles, was here dispensed with as troublesome. Charles and his brother, in their state dress, would set off running as in a carnival. On the day when the Dutch fleet burned the English ships in the Thames, the king supped with the Duchess of Monmouth, and amused himself by chasing a moth. In council, while business was being transacted, he would be playing with his dog. Rochester and Buckingham insulted him by insolent repartees or dissolute epigrams; he would fly into a passion and suffer them to go on. He quarrelled with his mistress in public; she called him an idiot, and he called her a jade. He would leave her in the morning, "so that the very sentrys speak of it." He suffered her to play him false before the eyes of all; at one time she received a couple of actors, one of whom was a mountebank. If need were, she would use abusive language to him. "The King hath declared that he did not get the child of which she is conceived at this time. But she told him, '. . . but you shall own it.'" Whereupon he did acknowledge the child, and took to himself a couple of actresses for consolation. When his new wife, Catherine of Braganza, arrived, he drove away her attendants, used coarse language to her, that he might force on her the familiarities of his mistress, and finished by degrading her to a friendship such as this. The good Pepys, notwithstanding his loyal heart, ends by saying, "Having heard the King and the Duke talk, and seeing and observing their habits of intercourse, God forgive me, though I admire them with all the duty possible, yet the more a man considers and observes them, the less he finds of difference between them and other men, though, blessed be God! they are both princes of great nobleness and spirits." He heard that, on a certain day, the king was with Mrs. Steward "into corners, together, and will be with her half an hour, kissing her to the observation of all the world." Another day, Captain Ferrers told him "how, at a ball at Court, a child was dropped by one of the ladies in dancing." They took it off in a handkerchief, "and the King had it in his closet a week after, and did dissect it, making great sport of it." These ghastly freaks about such vile events make one shudder. The courtiers went with the stream. Miss Jennings, who became Duchess of Tyrconnel, disguised herself

[1] From H. A. Taine, *History of English Literature* (tr. by H. Van Laun, Henry Holt & Co., 1871), I: 470–472.

one day as an orange girl, and cried her wares in the street. Pepys recounts festivities in which lords and ladies smeared one another's faces with candle-grease and soot, "till most of us were like devils." It was the fashion to swear, to relate scandalous adventures, to get drunk, to prate against the preachers and Scripture, to gamble. Lady Castlemaine in one night lost £25,000. The Duke of St. Albans, a blind man, eighty years old, went to the gambling-house with an attendant at his side to tell him the cards. Sedley and Buckhurst stripped nearly naked, and ran through the streets after midnight. Another, in the open day, stood naked at the window to address the people. I let Grammont keep to himself his accounts of the maids of honour brought to bed, and of unnatural lusts. We must either exhibit or conceal them, and I have not the courage lightly to insinuate them, after his fashion. I end by a quotation from Pepys, which will serve for example: "Here I first understood by their talk the meaning of company that lately were called Ballers; Harris telling how it was by a meeting of some young blades, where he was among them, and my Lady Bennet and her ladies; and their dancing naked, and all the roguish things in the world."

Morals, Manners, or Esthetics? It seems very clear, therefore, that the sense of shame for his unconventional acts is of so late an origin and development in man that he is still but little removed from the savage, or even from the lower animal world, in this respect. And yet, even a cursory review of the history of moral behavior serves to indicate the tremendous strides that he has made, even in recent times. It is at this point that a difficulty of making functional distinctions between the three categories of morals, manners, and esthetics arises. When is an act moral or immoral, good or bad manners, or esthetic or unesthetic? There is no clear-cut distinction of one of these categories from the others. Perhaps the best we can do in this respect is to place manners between morals and esthetics, for both morality and the esthetic criteria generally contribute to determine what is good form or good manners. But even this rule is not absolute, for good form may be sometimes so artificial as to violate both good morals and the standards of beauty. All three of these categories or controls of conduct are, however, human in character and are based upon the perception of and respect for the opinions of others. That is to say, all three are conventional attitudes. All three also have the common weaknesses of conventional attitudes and are largely at the mercy of current public opinion, needing badly to be standardized by science or scientific investigation. Perhaps morals is least subject to whim and fashion, while the esthetic is most so; for whatever is conventional is nearly always regarded as beautiful or attractive, even when there may be doubts as to its moral acceptability. Which of these categories of control arose first in the history of the regulation of human conduct is as yet uncertain, but it was probably the esthetic or pleasure giving test, followed next by conventional manners, and last of all by conventional morality. If this is the order of their relative seriousness, it is probably also the

order of their evolution. For the serious and fundamental values of life, like science, appear to have evolved latest. Even scientific morality is later in origin and development than conventional and traditional morality, as we shall have occasion to see later.

The Naturalistic Development of Ethics. Here we are concerned primarily with morals, although manners and esthetics are also important in a work on the sociology of social control. One of the things of which we are fairly certain now is that this growing perception of right and wrong in human conduct was not the result of revelation. It did not come from the gods as a gift to men, although it was early promulgated in the name of the gods by those leaders who had most ethical insight. This was a device, whether conscious or unconscious, for giving the moral principles and imperatives more prestige than they could have had if known to be man made. Morals grew out of human experience in living together. Instead of the gods imposing morals upon men, morality was, as we saw in an earlier paragraph, imposed upon the gods by the leading ethical thinkers of the time, just as it was imposed upon the masses of men who were dependent upon these leaders for their guidance. Neither gods nor men learned their ethical lessons well, if we are to trust the ancient mythologies and the histories of human morals. But the men who created the gods also taught them, or rather their human sponsors, the priests; and, as Hayes has intimated in the passage reproduced earlier in this chapter, these priests sometimes found it difficult to learn their lessons of ethics and had to be admonished and rebuked by the prophets. The more orthodox they are and the more their rituals and magic were tied up with the exploitation of men, the more strongly they resist the coming of the ethical criteria in social control to supplant the old traditional and magical controls.

Priests and Prophets. Both the priest and the prophet were the promulgators of the morals that the people were expected to accept. But the priest was the guardian of the traditional morality. He proclaimed those things that were approved or disapproved by the opinion makers as good and bad respectively. Since he connected these attitudes with the gods in order to give them greater prestige, he thus institutionalized morality and its content became difficult to change. The morality of the priests was conservative morality. It was sometimes so conservative that it was actually immoral morality, because it sacrificed the genuine functional interests of people to the interests of special classes, the temporal rulers, and the priestly hierarchy. It was against this over-institutionalized and conservative morality that the prophets cast their condemnations. They proclaimed instead a newer and a more radical functional morality. They were the social

reformers of their day. While this new morality of the prophets was often popular with the people, unless it made too great demands upon their intelligence and goodness, it was rarely received with rejoicing by the priests and the kings. As Jesus remarked, the conservative religious leaders had always killed the prophets; and he himself was destined to be one of their victims.

Early Morals and Religion. We must not suppose that because the attitudes and principles of morality originated and developed out of human experience they had nothing to do with religion. As a matter of fact, they could not have escaped a close contact with religion, or rather with theology and magic, as the religion of early historic and primitive times really was. Moral attitudes and principles as they arose out of the experience of early men could secure ready and general recognition and acceptance as social controls only as the dominant religion would deign to lend its sanction to them. That is why the Pharaoh as the chief ecclesiastical sponsor of morals in early Egypt is represented by Breasted[1] as pronouncing upon right and wrong conduct in the terms of "loved" and "hated" behavior. Only when, at a much later date, in the times of the prophets, the ethical criterion had become sufficiently strong in the mores of the people that it dared defy the traditional magical criteria of the priests, did it make its appeal directly to the masses with some hope of being recognized and accepted. But in the early days of magical dominance there was no hope for ethical controls apart from the protection of the supernatural, paradoxical as this may seem. For it was not yet apparent that, Frankenstein-like, the human ethical criterion of social control based on experience would finally overthrow the supernaturalistic standards based upon magic.

This close connection of religion and morality in early times was due in part to the fact that religion (or theology and magic) then pervaded all human values. Primitive man was "god-centered"; that is, he was overwhelmingly dependent upon the supernatural for his guidance. Even chiefs, kings, and other rulers accepted the controls that were reputed to emanate from the supernatural beings and that were imposed upon man usually by means of a system of magic. Since social security was at a premium not only in the ancient world, but almost down to our own day, men were motivated mainly by fear, and they sought refuge in the supernatural. "Refuge in God" is still a standard phrase of orthodox religion. The morals of that day promulgated and sanctioned in the name of the supernatural were, as we have already said, formal or traditional or conventionalized morals. Their

[1] J. H. Breasted, *The Dawn of Conscience*, pp. 41–42.

adherents derived most of their hard earned sense of security from this fact. They desired something stable, lasting, permanent, in the way of moral principles or imperatives. They sought a moral "rock of ages." They were the true ethical absolutists. Therefore, early morality must of necessity be based on custom and tradition, because these were the most nearly permanent in the ancient world.

Morality is still connected closely with religion, but the modern functional morality attaches itself to a modern functional religion. Both modern religion and modern morality are now recognized as growing out of experience. It is even the business of ethical teachers and investigators — the modern successors of the old priestly and prophetic teachers — to seek to derive new and ever more scientific and humane principles of morality from human experience and to embody these principles in a functional socialized religion. Both religion and morals have ceased to be *merely* traditional and customary; they are becoming increasingly scientific and functionally adaptive. This point we shall elaborate later on in the present chapter.

Early Ethical Distinctions Grew out of Punishment. This close early connection between morals and religion and between social conditions and ethical conceptions takes on, according to Hobhouse, two aspects. One of these is magical, in the more limited sense of the word, and the other is animistic or religious, in the sense employed by those who would distinguish magic from religion. Since in this volume we make no distinction between magic and primitive religion, except to recognize the conventional application of the latter term more specifically to the later and more ethical stages of the theological development of religion, we shall introduce this distinction here only for the purpose of making clear the terminology of Hobhouse in the passages that follow. According to his account ethical distinctions become attached to those acts involving human adjustment relations which are punished or rewarded by magical practice. We shall refer to this stage of punishment in more detail in the chapter that follows. But it should be noted that, as Hobhouse says, those forms of social behavior are punished or rewarded which the priests or medicine men (or their masters, the spirits) approve and disapprove. It is the same also under animism (where the spirits have supplanted the material and organic objects with power as objects of worship and have now themselves become the masters of magic) as it was under the realm of the simpler magical processes.[1]

Where the religious element predominates wrong-doing is held to be an offence against a spirit. We have seen that it is still possible that the means of expiation

[1] From L. T. Hobhouse, *Morals in Evolution* (Chapman and Hall, London, 1906), II : 70.

should closely resemble those of magic. The spirit may be merely driven away, or frightened off, or got rid of by deception. But the commoner case, particularly as the spirit develops into a god, is to appease him by sacrifice. Just as the sacrifice may be offered to secure a boon, so it may be used to avert wrath.

Moralizing the Supernatural. It is out of these supposed reactions of the supernatural to human behavior — favorable and unfavorable, approving and disapproving, reward and punishment — that moral recognition comes as a social sanction, although the moral attitudes and principles of the supernatural actually, as Breasted has shown, grow up out of human experience. The medicine men and the priests are also human and their social experience counts for what it is worth in determining ethical attitudes. And, moreover, the medicine men and the priests are the final authorities on what is right and wrong as long as they dominate human behavior in the name of the supernatural. It is not the inherent nature of the supernatural to assume moral attitudes or to pass moral judgments. Originally the supernatural was as innocent of moral attitudes as are the men they were supposed to control. Only as men became moral beings and demanded moral guidance did the supernatural beings become keepers and enforcers of the moral law, and then, as has been said before, they assumed this role somewhat reluctantly. This evolution in the moral character of the supernatural is expressed by Hobhouse as follows.[1]

> The spirit of animism . . . is not as such a moral being whom wickedness offends: he is concerned only with the conduct which affects himself, and so animistic religion often presents itself in the mass as wholly non-moral. The savage prays in the simplest and most direct manner for the fulfilment of his desires, without the smallest regard to what we should consider moral obligations. The warrior does not even stop to explain the justice of his cause to the deity as more civilized men are wont to do. "Great Quahootze," prays a Nootka Indian in preparing for war, "let me live, not be sick; find the enemy, not fear him; find him asleep and kill a great many of him."
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> The spirit is moved by the same considerations which move the savage himself. An offering pleases him and he will pay for it. He may be expected to stand by his friends like a primitive man, and hate his enemies, according to the same model. For the rest, his character is drawn from the object which he animates, or the process which he personifies, or the function over which he presides. Thus if he is a disease spirit he is evil, and the very living worship of evil spirits together with the comparative neglect of those which enjoy a good character is in itself a strong mark of the low ethical standard of animism. As an ancestor who cares for the family welfare, as protector of a special place or a class or people, or as the avenger who may be called upon in the formula of an oath, a spirit may resent injuries or insults affecting his authority. It is only in this indirect manner that the lower animism provides a sanction of conduct.
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> A step forward is taken when spirits arise which are themselves personifications of the moral order, or of some portions thereof. We can conceive such impersona-

[1] From L. T. Hobhouse, *Morals in Evolution* (Chapman and Hall, London, 1906), II : 57–58.

tions arising either on the basis of animistic or of magical conceptions. What is essential is that they should embody a certain disinterestedness which transforms their action from the sphere of mere resentment to that of justice. Thus, as long as the father's spirit is merely acting in revenge of a personal injury, it is not really a moral agency, but if it is held to supervise the family laws without reference to its own interests, it begins to be a disinterested judge. Similarly, there is nothing moral in the action of a curse as such, but if the curse, having materialized into a quasi-spirit, is set in motion by certain specified breaches of morality, and by those only it has acquired a more judicial character. We seem to see a transition of this kind going on in the case of the Erinys.

The Ethical Transition. Hobhouse sums up his investigations into the rise of moral motives and ethical controls among the earlier peoples by reviewing the origin of these attitudes in connection with magic and animism. He then passes on to a brief examination of the rise of an altruistic morality which appears in the later development of religion at the point at which it begins to be definitely ethical in character. This summarization of the transition from the traditional magical to the ethical in religion follows.[1]

In the variety of customs and beliefs . . . we seem to recognize two fairly distinct stages of ethical development. In the lower, the force behind custom — apart, of course, from the physical restraints imposed by society itself — is the fear of magical influences or of revengeful spirits. Neither of these is of essentially ethical character. The vengeance of a ghost is very different from the judgment of a god. It does not consider the rights and wrongs of the case, but acts, like the vengeance of the savage himself, on the principle of retaliation. The magical taboo may be held to embody what we call moral feelings, but it implies no clearer cognition of the distinctive nature of morality. It does not necessarily apply to all wrong actions, while it does apply to many acts that are innocent or are even deemed laudable, as well as to numerous acts of no moral significance, and in all cases its action as conceived by the savage is what we should call mechanical rather than ethical. Thus the conceptions which serve as a basis for ethical conduct are themselves devoid of ethical character, and the means taken for averting the consequences of guilt, as purifications, incantations, and the appeasement of offended spirits, are of the same nature.

A step in advance is taken when spiritual agencies arise who take interest in certain moral acts as such, protecting the helpless and suppliant because they are helpless or suppliant, and punishing the murderer because he is a murderer. In this way certain departments of action are marked out in which a distinctly religious sanction is found for certain rules of conduct, and this idea is generalized in proportion as the avenging deities become the ministers or possibly the attributes of some, or it may be, of one of the greater gods, who thus comes to be an upholder of the moral order as a whole. Such a god will be a judge of men who rewards or punishes in accordance with an impartial law. As a judge he differs materially from a vengeful spirit. Unfortunately, the conception of judgment is too often associated with means of appeasing the divine wrath in which very primitive and non-moral conceptions are wont to survive. If the belief in a future Judgment represents the

[1] From L. T. Hobhouse, *Morals in Evolution* (Chapman and Hall, London 1906), II : 71–74.

ethical conception of retribution, means of securing a favourable judgment will very probably be supplied by a special application of primitive magic. Bearing these limitations in mind, we may, nevertheless, recognize at this second stage a distinctly ethical element in the divinely appointed sanctions on which the social order rests. Morality is based on a partially moralized religion.

We may fruitfully compare this advance with the development which we found in studying primitive justice. We there had evidence of a stage at which acts infringing the rights of others beyond a very narrow circle are not, strictly speaking, regarded as inherently wrong, but rather as legitimate occasions for vengeance to be inflicted by the sufferer and his kinsfolk if strong enough to do so. It is not my right to my property which is sacred at this stage, but rather my right to the protection of my kindred. The personal rights and duties which constitute the elements of social order are not yet regarded as valuable in themselves and deserving of the general support of impartial persons. The main categorical imperative is "Stand by thy kin." Doubtless the organization of the blood feud tends on the whole to the maintenance of a certain order, and thus indirectly the elements of social order are protected by this same "imperative." But this does not amount to a direct recognition of the primary rights of person and property. Putting these facts together and taking them in connection with what we now see of the basis of morality, we may infer that moral feeling is not at this stage disengaged on the one hand from the sentiments making for the solidarity of little groups, nor on the other from a prudential dread of human vengeance or of mysterious forces in which there is nothing peculiarly moral. Nor, conversely, do the mass of feelings which surround and sanctify custom directly support those rights and duties in which, to our thinking, the elements of the moral order consist, but rather that mutual aid among kinsfolk by which, as chance directs, the moral order may be supported or may be overridden. Above the stage of the blood feud we saw the rise of public justice and the growing predominance of the view that breaches of the social order are wrongs to be punished rather than personal injuries to be avenged. We saw how society became directly interested in maintaining the elements of social peace, and safeguarding the primary rights of person and property for members of its body, so that as far as the social tie extends the simple social obligations are recognized as binding. We seem to see here the emergence of a more distinctly ethical consciousness which corresponds with, and in fact often finds embodiment in, the higher and clearer conceptions of distinct superhuman personalities who judge impartially between good and evil. In this conception, however crudely and indistinctly worked out, the "ethical basis" is no longer wholly "unethical." Not indeed in the form of a coherent ideal, or a reasoned truth, but as a working rule ordained by a just God the ethical begins to make itself felt as a distinct element of the human consciousness. This emergence constitutes the first step onwards in ethical evolution.

The same development may be described from a converse point of view by altering the question, and instead of inquiring into the basis of early morality, asking what is the ethical character of early religion. The reply will be that in the first stage we find that spirits, as such, are not concerned with morality, though some spirits by their position may be affected by certain kinds of conduct which they may resent. In the second stage we find spirits whose essential function is to preside over certain branches of the law, and as development proceeds they become servants of gods, who supervise morals generally. Yet even at this stage, gods are not always, or necessarily, perfect beings; if there are some who represent physical and moral ideals, there are others who exhibit not only the evil passions of con-

temporary men, but sometimes also the darkest practices of primitive humanity which their own worshippers have outgrown. Some gods are good, but goodness is not yet the essential attribute of God.

The Growth of Ethical Supernaturalism. When religion or theology advances through spirit worship and polytheism to monotheism it continues to be the sponsor of whatever attitudes and principles of morality are accepted by a people. The ethical criterion is still not capable of standing alone or of going forward beyond the moral pronouncements of, and in defiance of, traditional supernaturalism. The utmost it can hope to do is to educate the priesthood up to a higher conception of moral relations and duties. We have already presented an example of how this was done in a very simple culture by Abraham who talked to his god directly. Let us present a case illustrating the method by which the transition from a non-moral supernaturalism based on magic to an ethical supernaturalism based on social obligation was made under the leadership of one of the Hebrew prophets. We shall ask one of the leading Biblical sociologists to make the explanation.[1]

Isaiah . . . was the first prophet who took the common Semitic term "holy" and pressed it into the service of ethics. The original idea of "holiness" in Semitic religion . . . is that of *separateness* [taboo], through the mere physical setting-apart of a thing or person, which thereby acquires a character of distinction. Thus, a woman dedicated to ritual prostitution in a heathen temple is "holy" [taboo] on account of being set apart from other women. She is therefore called *kedeshah*, this term being derived from the root *k-d-sh*, which contains the idea of separation or exclusiveness. But Isaiah declared that while Yahweh, indeed, was distinct, separate, or *kadosh*, this distinction, instead of being *mere* exclusiveness, or physical separateness, arose from the fact that Yahweh championed social justice, or *mishpat*, as against the Baalim and other territorial gods. Thus, by fusing into a single concept the two ideas of separation and mishpat, Isaiah elevated the term *kadosh*, or "holy," into the ethical and spiritual realm, and actually gave it a new meaning. Yahweh shall be exalted in *mishpat;* and the Holy One (*Ha Kadosh*) makes himself holy (*nikdash*) in righteousness (*cf.* Isa. 5 : 16).

This higher conception is taken over by the new, Exilic "Holiness Code," wherein the key-thought is that the children of Israel shall be "holy ones" (*kedeshim*) because their divinity, Yahweh, is a "Holy One" — kadosh (*cf.* Lev. 19 : 2). Accordingly, the expression "I am Yahweh" occurs in the Holiness Code *forty-three times* as a kind of signature, following various ordinances of social justice and moral purity. Thus, "Ye shall do no wrong in *mishpat*, in weight or measure; but ye shall have just balances, just weights, etc. *I am Yahweh*" (Lev. 19:35, 36). . . .

Ascending still higher in the realm of idealism, the exilian Holiness Code puts forward a requirement which, as yet, has been scarcely followed by any religion or nation, Jewish or Gentile: "Thou shalt love thy *neighbor* as thyself — *I am Yahweh*" (Lev. 19:18). And as if this were not sufficiently exacting, another admoni-

[1] From Louis Wallis, *God and the Social Process* (The University of Chicago Press, 1935), pp. 288–289.

tion is laid down, which collides even more sharply with the universal shortcomings of mankind, and which, if observed, would stop all wars forthwith: "Thou shalt love the *stranger* as thyself. — *I am Yahweh*" (Lev. 19:34). Not only is the signature "I am Yahweh" a literary peculiarity of the "Holiness Code," as compared with all the other Hebrew codes; but it occurs more frequently in *Leviticus, chapter 19*, than elsewhere in the code itself; and this chapter deserves independent reading and study. The code as a whole repeats much against interest on loans; but Leviticus presents the old material in a broader perspective, more in harmony with the international outlook of the Exile. It reaches the highest level of the Hebrew codes, and is appraised, not with reference to practicality, but from the standpoint of idealism, as one would think of a torch raised up in darkness.

Aid Rendered by Monotheism to Ethical Standards. When monotheism has thus been made ethical (it may still retain much of its magic) it becomes a powerful aid to the growth of the ethical criterion of social control. It gives to the moral values a universality and a sanction of authority which they could not enjoy before, when such values were essentially local and were sponsored only by minor divinities who were often in conflict with other divinities and whose ethical sanctions would of necessity, therefore, be limited to the geographical and moral range of their prestige. Hobhouse states this aid rendered by the wider ethical monotheism to the ethical criterion as follows.[1]

The central idea of Ethical Monotheism admits of a short and simple statement. There is one God only, the Maker of heaven and earth. He is a Personal God, and in his personality there is a touch of kinship with our human nature. But he does not, like the gods of polytheism, differ from us merely in being greater, wiser, and more powerful. He is not — when the adolescence of monotheism is past — a mere magnified man. For man is finite and he is infinite, eternal, without beginning or end of days, the source and sustaining cause of all that is. Again, man is of composite nature and therefore corrupt. God is pure Spirit, and the spiritual is now the comprehensive expression for the highest and best that is known to man. It is defined negatively by opposition to the earthly, positively by the exaltation of morality into perfect purity of heart. God is a Spirit, and his communion with man is spiritual. They that worship him must worship him in spirit, and forms and ceremonies are naught without the inward and spiritual grace given unto us in them. As the Eternal Spirit God is the founder and sustainer of the Ethical order, he punishes the wicked and rewards the good, and yet — again except in the crassest apprehension — goodness cannot be assumed for the sake of the reward, for so it would not, spiritually considered, be goodness. What must win God is the genuine turning of the heart to him, a faith in him, which is also in the highest monotheism a love for him from whom flows love to man, and in this love is the beginning and the end of human virtue. Finally though man's corruption separates him by a great gulf from the infinite perfection of God, yet with a mercy that equals his justice God has himself appointed means whereby the gulf may be spanned and forgiveness of sins obtained. . . .

Amid all metaphysical difficulties monotheism remains clear as to the basis of the ethical order. God's Will is the source of moral obligation, his Word the revela-

[1] From L. T. Hobhouse, *Morals in Evolution* (Chapman and Hall, London, 1906), II : 127–128, 138.

tion of the practical rule of life. The fulfilment of his Will is the means of salvation, and salvation is propounded as the supreme end of life towards which every thought and act must be directed.

Rise of Positive Ethical Theory. Another advantage that ethical monotheism brought to the ethical criterion of social control was the fact that the ever-expanding cultural basis of monotheism, causing its principles to become synthetic and positive and forcing minor conflicts and local antagonisms to drop out of the social code or to be minimized, gave to moral attitudes and principles not only greater universality and sanction, but also a decidedly constructive character. There was less room for such emotions as hate and jealousy and vengeance and retribution, which seem almost to predominate in the old religious documents such as those of the historical books of the Old Testament. In the place of such attitudes arise a new set of positive and appreciative emotions and a larger degree of ethical idealism. This positive moral trend, promoted by ethical monotheism, is illustrated by Hobhouse in the following passage.[1]

In the old moral order men could, with a clear conscience, be equally good haters and good lovers. It was said to them of old time, "Thou shalt love thy neighbour and hate thine enemy." But the code of self-surrender has no room for hate. Hatred is assertion, and its exercise manifests the fallacy of assertion, for its open expression is the blood feud which never ends, but remains an open wound in the vitals of society. Morally regarded, revenge is a matter of physical strength and a poor satisfaction at best. There is a nobler way of dealing with an enemy which conquers him far more effectually. "Hatred," Buddha taught, "does not cease by hatred but by love." If you are in the wrong, it is for you to make amends. If it were he, then pity him for that he is wandering in error and blind to the truth. No doubt wrong-doing must carry its punishment. But it is not for finite intelligence to measure the guilt and assign the due penalty upon another man. "Vengeance is mine, I will repay, saith the Lord." As for us, the best of us are sinners infinitely far from the divine perfection and needing infinite mercy for ourselves. If we judge others, shall not we ourselves be judged? And if neither personal antagonisms nor moral differences are to interfere with love, still less can the barriers of class, and race, and sex be allowed to stand. We are all alike members one of another, sons of God, brothers and sisters upon earth and co-heirs of the kingdom of heaven. Among us there can be no difference of Jew or Gentile, bond or free, noble or lowly. He is most noble who the lowliest duties on himself doth lay. The fallen woman becomes a saint and the crucified thief is the first to sup with the Saviour in Paradise. The kingdom of God is not peopled by those who have proved themselves the strongest on this earth. To their Father the fate of the weakest and most despised is of no less moment than that of those who have many talents entrusted to them. The principle of Comprehensiveness — against the more exclusive view of earlier morals — is here pushed to its furthest point. Here, at least, Christian ethics at their best have been determined and consistent, and here in this resolute recognition of weakness has been their strength. . . .

[1] From L. T. Hobhouse, *Morals in Evolution* (Chapman and Hall, London, 1906), II : 149–150.

Love, universal benevolence, forgiveness, humility, meekness, combined with the extreme of resolute endurance for conscience' sake — such are the necessary outcome of that emptying of self which Buddhism and Christianity alike demanded. In them the spiritual order formed for itself a new sphere detached from the more elementary morals of the ordinary good citizen.

The Christian Outlook on Ethics. This positive teaching of ethical monotheism is particularly emphasized by Christianity at its best. The New Testament carries a minimum of threats, anathemas, stories of hatred and vengeance, and has no picture of a god bemeaning himself to the level of an oriental potentate, exacting flattery, sacrifices, and adulation from his worshippers. At last religion has come to be in large measure an agency of helpfulness and a force in the struggle for human justice instead of merely a means to human exploitation by a priestly class. As adversely prejudiced a judge as Lecky has testified to the humanitarian contributions of Christianity to an ethical civilization. Let us summarize these in the briefer words of Hobhouse.[1]

Probably we shall be safe in following the historian of the period during which Christianity superseded Paganism in attributing to Christian influence in the first place a heightened sense of the sanctity of human life. We have seen this at work in the teaching of the Church as to penal law. Mr. Lecky calls attention also to the prohibition of abortion and infanticide, along with the growth of public provision for exposed children of destitute parents. In this relation the action of the Church was determined rather by the belief in the terrible fate awaiting unbaptized children than by humanitarian feeling in our sense of the term. The suppression of gladiatorial shows is a more decisive instance of the triumph of humanity, and with this we may associate the efforts, perhaps not very strenuous efforts, of the Church to suppress private fighting. For the rest, the historian lays stress on those efforts to mitigate slavery and warfare, and to extend and systematize works of charity. . . . Apart from these contributions to humanitarian progress the ideals of asceticism and celibacy and the establishment of indissoluble monogamous marriage (resting, however, on the free consent of both parties) were the most noteworthy contributions of organized Christianity to the ethics of the mediaeval world.

Weakening of the Theological Basis of Ethics. In all this growth of ethical standards in social control so far the reliance for sanction has been upon supernatural approval. Although the ethical attitudes themselves grew out of human experience and human need, such an origin was not recognized until long after they had begun to develop; and even in our time Professor Breasted and others have thought it necessary to call attention to their human origin. Early man would not have believed that he could, out of his own thinking, produce such ethical standards of contact. They must have come from the gods. Such standards were not strong enough, in the face of a predatory social organization and tradition, to stand on their own intrinsic merits; it

[1] From L. T. Hobhouse, *Morals in Evolution* (Chapman and Hall, London, 1906), II : 156–157.

was necessary that they seek the powerful support of supernatural approval. But, as knowledge developed, the theory of the supernatural itself was called in question. Thus, the supporting logical fabric of ethical monotheism, which had aided so much in the recognition of an ethical criterion of social control in the world, was seen to be too highly simplified to endure without criticism.[1]

This comparatively simple conception in which the ethical and the religious fuse, which provides at once for the government of the universe and the entire direction of human life, expresses what religion has in essence meant to great numbers of devout souls. But the conception could not maintain itself in so simple a form. At every point it bristles with theoretical difficulties, to meet which great structures of dogma have been erected, modified, and replaced by others, as the needs of controversy have determined.

Transition to a Philosophic Basis of Ethics. Making a lone anthropomorphic personality carry singlehanded the moral responsibility for human society and the physical control of the universe at the same time meant the stretching of human credulity in an age of science too far. It was impossible to attribute it to an ethical god in an age of humanitarianism and every attempt to throw the responsibility for evil back upon God's creature, man, by such devices as the metaphysical doctrine of free will or the myth of the forbidden fruit in Paradise, was doomed to failure. As a result the human mind turned from theological tradition to philosophy, and a logical attempt at understanding the world and at reconciling human behavior with morality. This transition from theology to philosophy on the explanatory side of ethical standards was in reality a change from the use of myths to the employment of reason by logic as a basis of knowledge of ethical criteria. The transition was made at different times and at different stages of cultural development, and in some parts of the world it has not been completed at all. But everywhere the result, as far as ethics is concerned, has been to give morals more of an intellectual instead of an emotional and mystical basis. Among the Chinese this change of mental base took place when personal magic was still active if not the predominant force in the life of the people, with the result that Chinese ethics has to this day remained largely on a personal contact and primary group basis, as C. H. Cooley would express it. Some of the contrasts between the simple folk ethics and the complex experimental social ethical viewpoints dominant in complex civilizations are brought out in the following passage.[2]

The preceding chapters have illustrated the close connection between ethical and religious ideas. We have, in fact, seen ethics, upon the whole, in a position of

[1] From L. T. Hobhouse, *Morals in Evolution* (Chapman and Hall, London, 1906), II : 128.
[2] *Ibid.*, II : 160–162.

dependence and subordination. But we have now to deal with more independent forms of ethical thinking. In barbaric society, indeed, reflection of this kind occupies no very important place; it hardly goes beyond some of those proverbial maxims of conduct which form the simple worldly wisdom of uncultivated peoples all the world over. In the early civilizations we find this proverbial philosophy acquiring a somewhat fuller development as exemplified in the seven sages of ancient Greece and the gnomic poetry which belongs to the same period. We have already mentioned certain regular treatises on practical morals which are a feature of ancient Egyptian literature. Writings of this kind are not without their value for the historical student, precisely because they do little more than formulate the current ideas of the age to which they belong. Indeed, the whole race of proverbial moralists through the four thousand years that separate Ptah-Hotep and Martin Tupper are apt to degenerate into platitudinists. They utter irreproachable sentiments — sentiments, at least, irreproachable according to the standard of their own times — but we can hardly think that even in their own day men rose from the perusal of them with any deep feeling of gratitude for heightened insight into the laws of conduct or the relations of man to man. In them the ethical idea is not yet born; they take the traditional morality and formulate it into neat and general statements.

It is far otherwise with the class of thinkers with whom we have now to deal. We have seen in the history of religion a stage at which the divine (which at first is lower, and for long ages is at least no higher, than the human) becomes idealized, and there arises a conception of a spiritual being which is an embodiment of all that man can dream of perfection. This is one way in which an ideal dawns upon humanity. The other way is through reflection upon life and man's place in it, upon human nature and its potentialities, upon human action and its ends. Following this road, thought proceeds by the deliberate examination of human experience, and seeks thereby to determine where man's true purpose lies. By this method with little or no reference to supernatural sanctions or even to divine commands, it may make for itself an ideal of conduct, to which it calls man to conform simply because such conduct is best for himself and for humanity. In such a method we have the beginning of an ethical system conceived as the basis of a conscious ordering of human life by the deliberate efforts of the best and wisest members of the human race; and we have now to trace briefly the development of this ideal, and to indicate the phases which it has assumed and the function which it has performed in different civilizations. . . .

Between the sixth and the fourth centuries before Christ schools of thought following this method arose in two distant parts of the world — in China and in Greece. The Chinese thinkers founded a great system which from that day to this, in spite of the efforts of the reactionary dynasty which destroyed the classical books and prohibited their teaching, has guided the destiny of what was, down almost to our own times, by far the greatest empire of the world in point of population. It has supplied the rule of life for the governing classes and maintained the essence of Chinese culture intact through, and in spite of, successive irruptions of semi-barbarous conquerors; and may thus, so far as its practical influence is concerned, fairly claim respect as one of the greatest and most influential doctrines of ethical conduct which the world has known. What, then were the leading doctrines of the founder of this influential school?

The first principle of an ethical idealism, which is to rise above the common morality of custom and to depend on its own excellence rather than upon any religious sanction to recommend it to mankind, must from the nature of the case

lay down that, for the individual, virtue is its own reward. It is this which distinguishes the ethical from the supernatural view of morals on the one hand and the materialistic or prudential on the other. This principle is constantly insisted upon by Confucius.

The Practical Ethical Idealism of Confucius. In the China of the time of Confucius we witness the interesting spectacle of a secular system of morality growing up alongside of the magical social controls and gradually gaining such strength that it was able to stand alone and develop a system of social sanctions of its own which were more powerful with the intellectual classes than the traditional magical sanctions themselves. This new system of moral sanctions was based upon an ethical idealism which was in Confucius' time, and still is essentially, practical rather than theoretical, local rather than universal, and for the most part personal rather than abstractly social. It is described in the following selections from Hobhouse.[1]

The basis of morals . . . is the intrinsic desirability of a great ideal which accords with the true principles of man's nature when brought to their due development by proper education. To such an ideal man must hold fast in spite of all that fortune or his fellow-men can do to him, and that will be best for him in that he so remains lord of himself. In so doing he keeps the appointment of Heaven, yet his reward is nothing external to the act itself, but consists merely in the high desirability of the life lived in accordance with the best principles that are in one. . . .

In what outward conduct does this ideal show itself? Generally speaking, in the conduct of the good citizen, the dutiful son, the kindly neighbour and, in particular, the upright official who would resist to the death the corrupt tyrant. Uprightness and benevolence are the two master-words. Confucius accepted and reconstituted the traditional standard of Chinese ethics with its closely linked family ties and its patriarchal relations of ruler and subject. He calls himself a transmitter and not a maker, believing in and loving the Ancients. . . .

Such then, in brief, is the code of private life. To live in the service of mankind, to respect parents and superiors, to be kind and helpful to those in need, to have no enemies, to forbear with the offender and forgive him within the limits of justice, to be prepared to love all men, to hate only those who slander others and thrust themselves forward against all social tradition, to serve a good ruler but withstand him to his face if he is bad, to undergo privation and, if necessary, death for a moral principle, to be grieved and feel pity for the criminal instead of triumphing over him, not to withdraw from the world, to realize that man's life is to be lived in the midst of humanity whatever the difficulties and drawbacks may be, and in all these things to recognize that the beginning and the end is sincerity — such is the ideal of personal conduct that Confucius taught to China.

The ideal of public conduct is like unto it. In fact, throughout Confucius is talking with officials, addressing men who hold office and who are concerned with the problems of conscience arising in connection with the tenure of office, with the duties of the king and the relation of king and officer. Throughout he insists upon the duty of prince to people. The relationship should be that of father to children.

[1] From L. T. Hobhouse, *Morals in Evolution* (Chapman and Hall, London, 1906), II : 165, 168–169.

The first duty of the prince is to order his own conduct aright, and to show in his own household those principles of family life upon which the structure of Chinese society was held to depend; from his example outwards the influence would radiate. . . . We have here, in short, a theory of conduct which is at the same time a theory of society, elementary no doubt, especially in its political aspect, yet the foundation of that cultivated class which has for two thousand years governed China and kept Chinese Civilization erect through all its vicissitudes.

The Political Ethics of Mencius. In the hands of Mencius, this practical social idealism becomes a code of political ethics. The philosophic basis of the ethical principles have now developed to such an extent as to have lost its obvious reference to supernatural reward and punishment and has come to rely upon an understanding of the needs of the people in order to assure their individual and social welfare. Ethics is now social ethics, not merely individual morality supernaturally determined and imposed.[1]

In its political applications . . . the ethical teaching of Mencius is most thoroughgoing. Here the principles of justice and benevolence require that the welfare of the people should be the first consideration of government. "The people are the most important element in a nation, the spirits of the land and grain are the next, the sovereign is the lightest." The people's will practically expressed in unanimous support of, or aversion to, a ruler is of divine authority. "Heaven sees according as my people see: Heaven hears according as my people hear." The king must care for their prosperity. He should refrain from interfering with husbandry, spare the growing trees and the young fish, plant mulberry-trees about the homesteads and inculcate filial and paternal duties in the schools. A ruler so governing his state would certainly become emperor. . . .

Lighter taxation, care for the poor and childless, the punishment of corrupt officials, moderation in punishments avoiding the principle of collective responsibility, attention to works of public necessity, and above all, aversion to warfare, were the marks of the good ruler.

Struggle of the Greek Ethics with Supernaturalism. But among the Greeks and in western civilization generally the ethical criterion of social control had to fight to free itself, not only from theology, but also from aesthetics and art generally, and from the dominion of political and economic interests. The first struggle of ethical philosophy was with theology and it was waged by the great sophists or teachers and writers of the Age of Pericles and immediately thereafter. Under the first shock of the breakdown of the old polytheistic sanctions of moral standards, the philosophers turned to an individualistic ethics, which in some cases was productive of much harm, but was finally brought more or less into line with social interests.[2]

The breakdown of the traditional Greek theory of the moral sanctions, of the divine basis of virtue, and the authoritative supremacy of law, was not merely a

[1] From L. T. Hobhouse, *Morals in Evolution* (Chapman and Hall, London, 1906), II : 174.
[2] *Ibid.*, II : 186–187.

matter of speculative interest. It represented a change which had sunk deep into the minds of the people, and was a cause of anxiety to all thinking men. Accordingly, the efforts of the constructive thinkers of Greece during the latter part of the fifth century, and throughout the fourth, were devoted to the reconstruction of private morals and public law, to find arguments in admitted principles of thought or in the unimpeachable evidence of experience to replace the old supernatural basis of virtue, and to determine, in the phrase of the day, what was natural in state law as opposed to what was merely a matter of human agreement. In this effort the negative movement had already supplied a point of departure, for it had in essentials formulated a first principle of action; that every man aims at what is good for him, or at least at what appears good for him, was the principle tacitly or openly avowed to which negative criticism had been brought. This principle was taken up by Socrates and his followers and made the starting-point, of a moral reconstruction. No Greek thinker, whether constructive or negative, idealist or hedonist, Platonic or Aristotelian, called this axiom itself in question, but it was possible to show, as Socrates was the first to discover, that, however selfish in form, it was capable of an interpretation which would not only reconcile it with the highest claims of the moral consciousness, but even set these claims upon an apparently firm basis in reason.

Socialization of the Ethical Ideal. By the time of the great trio of Greek philosophers the individualistic ideal in ethical controls had been approximately socialized.[1]

Thus, upon the fundamental question of moral philosophy Socrates, Plato and Aristotle were essentially at one. That question is by most modern moralists defined as the question of the nature of moral obligation. Why should I do what is right, or why should I recognize the distinction between right and wrong, ought and ought not? Is it a matter of some external reward or punishment befalling me according to the character of my conduct, or is it a matter of some intrinsic quality in the conduct itself? To the Greek philosophers the question took the form: What is the character of that which is really good for man, or in what does human well-being consist? The answer which they gave to it was essentially that it consists in the practice of virtue as being that wherein human nature finds its best, happiest and most harmonious expression.

Ethics Looks to Future Good. At its highest point Greek ethical sanctions went for their source even beyond the present good of society and a harmonious adjustment of the individual to the body social and politic. It sought the highest possible ideal of individual and social perfection, either in this world or in a better one to come. This latter appeal was essentially the Christian eschatological extension of the Greek ideal which sought to make this world as good as possible. But the Christian idealists and Neo-Platonists of the Augustinian school, despairing of the triumph of the good life in this world, took refuge in preparing for it in the hereafter.[2]

[1] From L. T. Hobhouse, *Morals in Evolution* (Chapman and Hall, London, 1906), II : 192.
[2] *Ibid.*, II : 198.

Such, then, in brief, are the virtues and limitations of the civic ideal, but we must always remember that neither in Plato nor Aristotle is this the highest ideal of all. The idea of rising beyond human nature to something beyond it, the idea of becoming citizens of a better world than this, is to both the crown of their work; and we see in them the way paved, not only for the wise man of the Stoic philosophy who should reach perfection in a state of slavery or under a tyrannical rule, but even for the Christian saint who found his highest bliss in withdrawing from the affairs of this world altogether.

The Stoic Ideal. But it was among the Stoics that the philosophic criterion of ethical sanctions reached its highest and most objective and least personal development. Virtue among them became as nearly an end in itself as it could be and at the same time retain its function and valid social character of guiding behavior in a practical world. Lecky pays the Stoic system a high tribute when he says,[1]

> The coarser forms of self-interest were in stoicism absolutely condemned. . . . In the Roman empire stoicism flourished at a period which, beyond almost any other, seemed unfavourable to such teaching. There were reigns when, in the emphatic words of Tacitus, "virtue was a sentence of death." In no period had brute force more completely triumphed, in none was the thirst for material advantages more intense, in very few was vice more ostentatiously glorified. Yet, in the midst of all these circumstances the Stoics taught a philosophy which was not a compromise, or an attempt to moderate the popular excesses, but which was rather in its austere sanctity the extreme antithesis of all that the prevailing examples and their own interests could dictate. And these men were no impassioned fanatics, fired with the prospect of coming glory. They were men from whose motives of action the belief in the immortality of the soul was resolutely excluded.

Accounting for Stoic Steadfastness. Lecky attributes this objectivity and abstract impersonality of Stoic ethical sanctions, in which virtue is exalted into the supreme position of excellence in life, largely to the Roman profession of arms which put country above private interests. This explanation is probably inadequate, since we find this ethical system also in Greece, which was not military. It was more likely the product of the philosopher's reaction to the detachment of the doctrine of Natural Law, which in its complete impersonality made all men and all things under its control equally responsible and unprivileged. Thus Stoic ethics, as a product of the theory of Natural Law represents an extreme reaction among philosophers against the old supernaturalistic personalism and whimsicality of the theological system of ethical sanctions, which, while at their best they filled the world with pity and mercy, also made way for favoritism of the gods, graft and bribery by mortals, and the breakdown of a too personal

[1] From W. E. H. Lecky, *History of European Morals from Augustus to Charlemagne*, 3d Ed., 1877, I : 181–182.

ethical system through inefficiency. But we shall hear Lecky's argument and appraisal of the Stoic sanctions none the less.[1]

We have seen, then, that among the Romans, as among other people, a very clear and definite type of moral excellence was created before men had formed any clear intellectual notions of the nature and sanctions of virtue. The characters of men are chiefly governed by their occupations, and the republic being organized altogether with a view to military success, it had attained all the virtues and vices of a military society. We have seen, too, that at all times, but most especially under the conditions of ancient warfare, military life is very unfavourable to the amiable, and very favourable to the heroic virtues. The Roman had learnt to value force very highly. Being continually engaged in inflicting pain, his natural or instinctive humanity was very low. His moral feelings were almost bounded by political limits, acting only, and with different degrees of intensity, towards his class, his country, and its allies. Indomitable pride was the most prominent element of his character. A victorious army which is humble or diffident, or tolerant of insult, or anxious to take the second place, is, indeed, almost a contradiction of terms. The spirit of patriotism, in its relation to governors, is a spirit of constant and jealous self-assertion; and although both are very consonant with high morality and great self-devotion, we rarely find that the grace of genuine humility can flourish in a society that is intensely pervaded by their influence. The kind of excellence that found most favour in Roman eyes was simple, forcible, massive, but coarse-grained. Subtlety of motives, refinements of feelings, delicacies of susceptibility, were rarely appreciated.

This was the darker side of the picture. On the other hand, the national character, being formed by a profession in which mercenary considerations are less powerful, and splendid examples of self-devotion more frequent, than in any other, had early risen to a heroic level. Death being continually confronted, to meet it with courage was the chief test of virtue. The habits of men were unaffected, frugal, honourable, and laborious. A stern discipline pervading all ages and classes of society, the will was trained, to an almost unexampled degree, to repress the passions, to endure suffering and opposition, to tend steadily and fearlessly towards an unpopular end. A sense of duty was very widely diffused, and a deep attachment to the interests of the city became the parent of many virtues.

Such was the type of excellence the Roman people had attained at a time when its intellectual cultivation produced philosophical discussions, and when numerous Greek professors, attracted partly by political events, and partly by the patronage of Scipio Aemilianus, arrived at Rome, bringing with them the tenets of the great schools of Zeno and Epicurus, and of the many minor sects that clustered around them. Epicureanism being essentially opposed to the pre-existing type of virtue, though it spread greatly, never attained the position of a school of virtue. Stoicism, taught by Panaetius of Rhodes, and soon after by the Syrian Posidonius, became the true religion of the educated classes. It furnished the principles of virtue, coloured the noblest literature of the time, and guided all the developments of moral enthusiasm.

The Stoical system of ethics was in the highest sense a system of independent morals. It taught that our reason reveals to us a certain law of nature, and that a desire to conform to this law, irrespectively of all considerations of reward or punishment, of happiness or the reverse, is a possible and a sufficient motive of virtue. It was also in the highest sense a system of discipline. It taught that the

[1] From W. E. H. Lecky, *op. cit.*, I : 223–227.

will, acting under the complete control of the reason, is the sole principle of virtue, and that all the emotional part of our being is of the nature of a disease. Its whole tendency was therefore to dignify and strengthen the will, and to degrade and suppress the desires. It taught, moreover, that man is capable of attaining an extremely high degree of moral excellence, that he has nothing to fear beyond the present life, that it is essential to the dignity and consistence of his character that he should regard death without dismay, and that he has a right to hasten it if he desires.

The Greek Contribution to Ethical Standards of Control. Hobhouse sums up the contribution of the Greek philosophers to the theory of ethical standards and controls in the following somewhat extended passage.[1]

It was not so much the gentler social virtues as the fundamental obligations which bind man to his fellows that interested the Stoics. Deep as was the mark left on the world by their self-containment, it was not the greatest or most lasting effect of their teaching. It was at the point where moral philosophy touches the theory of law and government that their influence was widest and most abiding. For it is to them more than to any other school of thought that the world owes the conception of an ethical ideal standing above the wills of legislators, whether despotic or popular, as a standard to which they ought to conform. This ideal took shape in the conception of a Law of Nature which stood above all human conventions and held up a standard to which state law ought to conform. The conception of Nature was not introduced into Ethics by the Stoics. . . . At the outset the fundamental problem of conduct was raised in the form of the question, "Are justice and the other virtues natural or merely conventional? Are they founded on nature or the products of human agreement, which may be relegated at will to the lumber-room of disused ideas?" . . . Plato undertook to prove that they were founded on nature, and did so by showing that they rest on the constitution of man and of human society. So far "nature" appears as the basis of morals. In Aristotle it begins to serve as a standard of custom. At least in regard to justice, Aristotle recognized that there must be some more ideal and scientific standard than that embodied in the written and unwritten law and custom of the Greek states. Rules of justice as embodied in law were changeable and varied from place to place, while that which is natural is the same everywhere. But though natural laws change, says Aristotle, there must be one state, one constitution, which is everywhere natural — namely, that which is the best: and there must be one set of laws everywhere natural — namely, those which the best state would adopt. But the law of nature, after all, is an incident in Aristotle's treatment of justice; with the Stoics it becomes the central principle. It appeared to supply, and in its degree it did supply, that systematic conception of a moral standard in which they found earlier theories lacking. For if the older thinkers had taught that man's true happiness lies in the practice of virtue, they had given little attention to the question why certain classes of action are considered virtuous. They took over in the main the current ideas which they found as to the particular virtues, idealizing and sometimes supplementing and correcting them, no doubt, but not upon the whole seeking for any first principle by which the value of these traditional rules might be tested. Now

[1] From L. T. Hobhouse, *Morals in Evolution* (Chapman and Hall, London, 1906), II : 203–206.

such a principle the Stoics conceived that they had found in the law prescribed by Nature itself to man. This could be discovered — such, at least, seems to be the implied process of thought — by considering how far the rules of conduct which we actually recognize are due to human institutions, and what would remain if we conceive them done away with. Proceeding on this line of thought, for instance, it is easily recognized that such an institution as slavery is not "natural." It is an institution of men, for without such institution who would enslave himself? So again with all other inequality of rights. By law one man may be given privileges over another, but take away the law and what privilege could remain? On the other hand, if we consider such a matter as the fulfilment of obligations, the obligation itself, we may say, is the result of a compact made by men, yet we feel in ourselves a "natural" impulse to fulfill it, even without legal compulsion, and so to keep our contracts is a part of "natural" law. Reasoning on such lines as these, from their conception of Nature as one Kosmos, animated by One God, the father of all mankind, the Stoics arrived at the idea of a Law of Nature prescribing the freedom, equality and brotherhood of mankind, overriding all distinctions of class, and race, and nation, prescribing good faith and mutual obligation, even when there was no law. This was no empty theory, but an active principle, influencing the practical legislation of the great Roman lawyers. The freedom, equality, and brotherhood of man, the inherent injustice involved in distinctions of class and of nationality, the original sanctity of contracts, and, as a consequence, the recognition of moral obligations to those to whom one is bound by no law — such ideas as these originate with the conception of a law which Nature lays down for man, and is, therefore, independent of convention and superior to the enactments of kings. We have already seen the influence which this conception had in mitigating the hardships of Roman slavery. We trace it in the successive extensions of the franchise, which broke down the barriers between conquering Rome and the subject provincials. We may trace it once more in the humane laws which broke up the barbaric supremacy of the paterfamilias. Indeed, "there were few departments into which the catholic and humane principles of Stoicism were not in some degree carried." In the mind of the best of the emperors, Stoical principle kept alive the ideal of a "constitution of equal laws ordered in accordance with equality and equal freedom of speech, and a kingship honouring above all things the freedom of those who are ruled." Such an ideal was unattainable in the second century after Christ, but that it should have been placed on record by the absolute master of the Roman world as his conception of the principle by which he would govern himself, is not the least remarkable testimony to the strength of the Stoical creed. The law of Nature was not, as we shall see more fully, in the end an adequate formula for the moral standard, but it was a step in that direction. It was an assertion that such a principle could be found, and it recognized that actual codes deviate from the principle in consequence of what is arbitrary and accidental in the laws of their growth.

Greek ethics thus bequeathed two great contributions to the solution of the ethical problem. In its earlier stage it founded moral obligation on the well-being of the individual. It taught that virtue was not an emptying but a fulfilment of the personality. It reconciled individual self-development with legal, law-abiding citizenship in a free city state. In its later stages, when the old civic life was breaking up and the problem taking new shape, it laid the foundations of a universalist ethics by conceiving an ideal standard of conduct applicable to all mankind, not subordinate but superior to state law, an ideal to which social as well as individual custom should be made to conform. In neither of these directions, however, was its analysis final.

Why the Masses Never Adopted the Stoic Ethics. The Stoic criterion never became effective as a social control with the masses, although it was the favorite of philosophers, of statesmen, and even of emperors. Perhaps its principles were too abstract for the masses to understand. Possibly, too, its standard of virtue was beyond the reach of men hemmed in by the sordid material necessities of life. Even the Stoics kept the door of life open and advised the resort to suicide when circumstances made it impossible for men longer to live with fidelity to their principles and honor. Also, too often their principles were too absolutistic and gave them too little practical guidance for the detailed regulation of their conduct in a constantly changing world. The next philosophic revolt against theological sanctions of ethical conduct came in the eighteenth and nineteenth centuries and took on three more or less closely related forms. The Utilitarian revolt was perhaps the most spectacular of these and has been characterized briefly as follows.[1]

> On several sides the Utilitarian method [the criterion of the greatest happiness of the greatest number] needed to be supplemented by a conception of the collective social life of humanity emerging and maturing under conditions which it is the supreme object of practical wisdom to ascertain and understand. Such a conception had already entered into modern thought with the work of writers like Vico and Montesquieu, and formed the basis of an historical treatment of sociology. From these it passed through Condorcet and the St. Simonians to Comte and his disciples. In another incarnation it inspired the Hegelian philosophy of history. Amid great variations, not merely in detail but in the whole handling of the subject, historical sociology leads to certain fairly well marked views on questions of ethical principle. First of all, it lays down that neither duties nor rights can be studied without a knowledge of social conditions, for without society there is neither duty nor right. But further, social conditions are not the same everywhere or at every time. The relations on which the preacher of absolute right and wrong would rest his moral laws are themselves moving relations. Humanity is a growing organism, and the problem of the thinker is to understand the laws of its growth and adjust the code of conduct which his disciples are to preach to the needs of the present phase. For though there are "laws" of social growth, we are not to suppose that the result is so determined as to be wholly beyond the power of human intelligence to modify. There are "laws" of health, yet there is a use for doctors. It is so far as we understand the laws of social life that we can hope to affect it intelligently, and in point of fact it is of the essence of its growth that humanity becomes conscious of itself; that is to say, more and more aware of the conditions upon which its happiness and progress depend, and so capable of self-direction. In this conception of a self-directing humanity lies the basis of scientific ethics.

The Pragmatic Sanction. The second phase of the modern philosophical revolt against theological sanctions in ethical control is to be found in the ethical humanitarianism of Saint-Simon, Comte and similar advocates of an ethical religion of humanity.[2] The best elements of

[1] From L. T. Hobhouse, *Morals in Evolution* (Chapman and Hall, London, 1906), II : 233–234.
[2] Emile Boutroux, *Science and Religion in Contemporary Philosophy* (London, 1909), pp. 42–82.

this phase of the revolt were soon merged into the movement to make of ethical sanctions a naturalistic science. As such it becomes an objective attempt to find out what types of conduct best contribute to human welfare and to build upon this knowledge a system of social controls embodying ethical sanctions. At this point ethical sanction, which began under the protection of magic and religion, come definitely to depend upon the social sciences and especially upon sociology both for their data and for their approval.[1]

Hitherto human conduct has been conceived as bound by law — first divine law, then by natural law. But if the humanitarian principle is correct, man is not made for the law, but the law for humanity. Instead of supernatural religion being the basis of ethics, ethics becomes the test to which such religion must submit. The relative value of the creeds is measured by their ethical efficacy, and the ethical consciousness is seen to be the only firm point of departure for any attempt at a spiritual interpretation of nature. As with religious, so with social institutions. Property, contract, marriage, the position of women, class distinction, political obligations, the right of warfare and of conquest — all these in olden days were founded on custom and supported by divine authority. Whoso would seek the good of society must work within the limits thus rigidly laid down by the moral or the religious tradition. When revolts against these limitations occurred, they took the form of appeals to expediency, or perhaps of a sweeping denial of moral obligation, or, again, of the assertion of some counter principle of no greater claims than that which was called in question. In a rationalistic system of morals the whole point of view is changed. These institutions have grown up in rough accordance with the circumstances of social life, but they have no value or validity except in so far as they subserve human needs. On the other hand, they are not to be set aside on particular occasions when they happen to be inconvenient, as the doctrine of expediency suggests, not only because in the long run nothing is so inexpedient as the practise of unsettling society, but also because the rights and duties recognized by the ordinary consciousness when viewed genetically are seen to have arisen in response to social needs, and to contain elements, however roughly put, of ethical truth. They are like the empirical generalizations of common sense which contain truth, though not accurately true as they stand, and historically speaking they are seen to develop, to expand, define themselves, deepen and purify their meaning as ethical thought has developed. Thus they lie ready to hand as a basis for a scientific sociology. Sociology, therefore, is not compelled to start from an empty slate and consider what in each case would promote the greatest happiness of the greatest number. It has rather to take the institutions it finds, and aim at a scientific determination of the function which they fill in the life of humanity.

Applications of the Theory of Ethical Controls. Having found at last the true basis or sanction of social control in an ethics based on science, our next task is to indicate how these criteria of control have been applied so far to the various relations of social life, such as industry, ownership, the distribution of wealth, social and economic opportunity, government, international relations, war and peace, domestic relations, relations between the sexes, race relations, play and recrea-

[1] From L. T. Hobhouse, *Morals in Evolution* (Chapman and Hall, London, 1906), II : 252–253.

tion, and many more. Obviously it is not possible to discuss fully such applications of ethical criteria of control within the limits of a single chapter; nor does it seem wise to multiply chapters on these concrete subjects indefinitely. The remaining chapters of this volume will undertake to cover this subject from a somewhat different standpoint — that of the methods used in bringing about desired results through social control in these and other aspects of human relations. Thus, while we are presenting the methods of control through custom, law, legislation, social reform, and education, we shall also be able to secure some notion of the practical results achieved in the control of the various types of social relationships themselves. It would of course be equally feasible to divide our subsequent chapters into separate categories corresponding to the several types of social relationships which society has thought it most important to control, and within each of these several chapters endeavor to show what has been accomplished in each of these respects by means of custom, law, constructive legislation, social reform, and education. But this procedure would place the chief emphasis upon results, whereas it is our primary intent to place it upon the methods employed in the social control process.

However, before proceeding to these subsequent chapters in the manner here outlined, it seems desirable to illustrate some advances already achieved in the application of ethical criteria to the solution of three of the more important control problems of our time and also to indicate what appear to be significant trends in the direction of further control of these same problems. The three problems of social control selected for this purpose are (1) the control of war and the establishment of peace, (2) the working out of higher ethical criteria in the control of business relations, and (3) the further application of ethical principles to political life. These are perhaps the most important control problems that confront our present civilization.

The Moral Responsibility for War. Professor Charles A. Beard has warned us against "the devil theory of war." [1] He reminds us that every one likes to place his own sins upon other shoulders; that in the past, men have blamed women for evil in the world, and that now women are busy returning the doubtful compliment. In a similar manner the wars of recent times have for the most part been charged up against the politicians and the international bankers, when as a matter of fact all of us have been guilty, each in his own way. Professor Beard has written his little volume to show by means of historic evidence that it was the misguided peace-time pursuits, which almost everyone looked upon as perfectly normal, that actually created the Great War

[1] Charles A. Beard, *The Devil Theory of War* (Vanguard Press, New York, 1936).

and finally led the United States into it. The peace-time factors that led to the war in Europe were the imperialistic competitive over-application of the profit motive in international trade and finance. These imperialistic policies, pushed to their logical conclusion, finally made war inevitable, and practically everybody else (as well as the politicians and the international bankers) was responsible for these policies. Although it was not our war, we were finally dragged into it as a means to salvaging our debtors, the allies, to whom we had sold at a good profit. If these debtors of ours were not helped to win the war, the argument ran, we could not hope to get our money — a few billions of dollars — back. So we spent fifty billions of dollars on the war and 150,000 lives and two years of fighting to recover five or six billions of bad debts and now have an uncollected debt in Europe amounting to eleven or twelve billions of dollars. Whether Professor Beard has gone too far in absolving the devils of responsibility for the war and in transferring it to the shoulders of the imps, it is at least a useful first step to take in finding some sort of dependable solution for the control and abolition of warfare. Most people, at least in this country, now recognize the evils of war, but nobody seems to know how to get rid of them.

The New Element in War. The Italian historian, Guglielmo Ferrero, has likewise called our attention to an important new element in the responsibility for war. He tells us that the eighteenth century conception of war was a rational one and quite different from the ideal of extermination of early times and from the nineteenth and twentieth century intent of assessing guilt. The old wars of the dynasties of the eighteenth century were fought in order to produce a peace that could not be achieved through negotiation. These wars moreover had but little effect upon the masses of the people; they were mainly dynastic or political disputes. All this is different now.[1]

> The monstrous thing that threatens Western civilization is "super"-war, waged without any definite reason, with aims that continually shift and expand, and with no possible conclusion but revolution on the weaker side. . . .
>
> A new phenomenon — a monster hitherto unknown — appeared in the shape of unlimited competition in armaments. In a single generation, under the glamorous refulgence of the German victories and the monarchy which had fostered them, the military romanticism of the French Revolution was transformed into futurism. As if hypnotized by the sudden eruption of German might in Central Europe, the conscience of the world passively obeyed the brutal impetus given by the facts, and docilely allowed itself to be led into the uncharted realms of the most dangerous chimeras in search of a new formula for power. For the first time in history, the richest and most civilized states of Europe rated military strength by numbers and by the power of the instruments of warfare. For the first time they competed for superiority in numbers and in armament, and allowed themselves to be driven by

[1] From Guglielmo Ferrero, *Peace and War* (Macmillan and Co., London, 1933), pp. 94, 15–16.

their rivalry to the extreme limits of the possibilities of their population and possession. Densely populated and enormously wealthy, they created in thirty years the most colossal armies history has ever known, and endowed them with war materials of fabulous power.

And what was the result of an effort unique in history? It was a war so fast and furious that at the end of three months it was held fast in the bonds its own violence had created. That was the inconceivable paradox of the World War.

Peace or Extermination. This type of obsessive warfare aims at "justice" or at extermination and it does not stop short of utter exhaustion, says Ferrero. The only alternative to a war of annihilation is a treaty of peace, but since the modern conception of peace is that of strict "justice" and the assessment of blame upon the conquered people, when in reality the blame is not concentrated in any one side alone, such treaties are essentially unjust and do not convince the defeated. Instead they merely lead to new struggles and thus to ultimate extermination of both sides, unless a new formula for peace can be found. It is in this way that an increased emphasis upon the moral element in war and peace has come to intensify the ferocity of war and stand in the way of peace itself.[1]

The object of war is peace. The eighteenth century thought that the way to attain this object more readily was to fix limits to war. The nineteenth century overthrew this principle and fancied that it could secure peace more rapidly by letting war stick at nothing. The nineteenth century was a very great century, but it was no more infallible than any other, and this time it was mistaken. . . . The more violent, furious, and terrible war becomes, the less easy and lasting is peace. . . . For twelve years we have been settling the peace, and we shall be doing so for a long time to come. We live in a twilight phase which is no longer war and is not yet peace; everything is vague, shifting, and ambiguous.

If in this twilight wars once began again there would be no stopping them. Our civilization can make war well enough, but it has forgotten how to make peace. War is not for us what it was in the eighteenth century, a rational method of settling questions between States that could not be settled by other means, but a mortal peril which might easily overmaster our reason and our will to live. If we are not very careful, war may get such a hold on us as to wreak our destruction. We may be forced to go on fighting with increasing fury and ever more formidable weapons, until we are drained of everything, through the sheer impossibility of making peace. What would then become of us, the peoples of Europe and America? This danger threatens everything: Christianity as well as our civil and political liberties; the humanitarian spirit, all that was beautiful, noble, and humane in the French Revolution, as well as the high intellectual culture of which we are so proud.

How to Secure Peace. Ferrero does not tell us how we may achieve a dependable peace. Other writers on the subject attempt to do this. Veblen finds the solution in the abrogation of the profit motive, which

[1] From Guglielmo Ferrero, *Peace and War* (Macmillan and Co., London, 1933), pp. 147–149.

he believes leads to war.[1] Will Irwin lists a number of remedies for war, including punishment of the offender, disarmament, readjustment of international rights to raw materials and markets, the internationalization of export capital, the abolition of secret diplomacy, and the correction of jingoistic patriotism by a salutary internationalism.[2] But his chief reliance appears to be upon education and for this purpose he would use the church and especially the Sunday School.[3]

Professor Eagleton,[4] however, expects little directly from education. He believes that we already know that war is an evil. But indirectly education can do much by acquainting us with other means of achieving peace. Neither has Professor Eagleton much faith in such methods as disarmament, which does not give a positive solution to the problem of providing a just settlement, nor does he believe in passive resistance. He expects more from the outlawry of war and neutrality enforced by a league of nations. Professor Eagleton's approach to the control of war is political, just as Veblen's was economic, and Irwin's and Beard's are fundamentally ethical and educational.

A Sociological Plan for Peace. Another proposal for the achievement of peace, somewhat more sociological in character than the plans just described, but still largely political, has been stated by a Belgian internationalist as follows:[5]

> Actual facts occurring before, during, and after the world war have demonstrated that peace cannot any more than health be conceived as an object in itself. It is a condition of society. International, like social, peace implies therefore a substructure, that of society itself, in which all relationships, from the most local to the international, are planned and constructed with reference to a trinity of objectives of increasing importance: survival, peace, and progress. If the cause of peace has advanced so little in the minds of its sponsors, if . . . it is again in serious danger, it is because its problems continue to be considered in isolation. . . . Mankind has not yet concentrated its powers upon these three things:
>
> 1. *An international sociology*, a general science of international relations, which ascertains, plans, and synthesizes from the special social sciences, social hygiene, economics, law, history, those universal conditions essential to the development of civilization and culture.
>
> 2. *A universal plan* capable of coordinating the necessary activities, a plan inspired by the needs and possibilities revealed, having its basis in general sociology and in harmony with the requirements of a civilization deliberately oriented toward the above-mentioned objectives of survival, peace, and progress.
>
> 3. *A world constitution* so constructed and proclaimed as to give to the international community such juridical norms as are provided constitutionally for every

[1] T. B. Veblen, *The Nature of Peace* (The Macmillan Co., New York, 1917), pp. 366–367.
[2] Will Irwin, *The Next War* (E. P. Dutton and Co., New York, 1921), pp. 150–157.
[3] Will Irwin, *Christ or Mars?* pp. 172–174.
[4] Clyde Eagleton, *Analysis of the Problem of War* (Ronald Press Co., New York, 1937).
[5] From Paul Otlet, "Sur la Constitution de la Sociologie Mondiale," in *Annales de l'Institut International de Sociologie* (*Sociologie de la Guerre et de la Paix*), 1932, XVI: 166–167 (Translated by L. L. B.).

rational community from the day it abandons chaos and anarchy for a condition of order.

The writer does not regard the Kellogg pact as adequate for these purposes. Current world events would indeed appear to indicate that the acceptance of a world constitution is far in the future, — as perhaps world peace is also.

Economic Exploitation and War. Enough has already been said in Part II regarding the misdirected or anti-social control of economic processes in the interest of exploitation. Our primary purpose in the present section is to indicate how an ethical criterion of control has entered into business relationships, or may do so. However, it seems important at this point, in making the transition from the discussion of war and peace to that of business, to indicate how the private profit motive applied to international commerce, and especially to the armament trade, is one of the chief obstacles to peace. In a preceding chapter an editorial from the *New Republic* was presented to illustrate the exploitive activities of the munitions trade. In the excerpt which follows this type of exploitation is shown to have an added significance in its opposition to peace measures.[1]

Perhaps no capitalistic country created a greater sensation than did the United States when it was revealed that in 1929 William B. Shearer had received $51,230 from three of the largest American naval construction companies for his services in blocking any effective results from the naval disarmament conference at Geneva in 1927. The facts would not have been revealed at all except for the fact that Mr. Shearer claimed his services had been so effective that he had not been paid enough. He consequently sued the Bethlehem Shipbuilding Corporation, the Newport News Shipbuilding and Drydock Company, and the American Brown-Boveri Corporation for $255,655 as the balance due him. In the Senate hearing which followed, officials of the three companies were forced to admit that they had spent money trying to block effective international disarmament. In spite of the disclosures Shearer was still broadcasting over the radio in America in 1934 in favor of a large navy. It is probable that there may be scores of such paid propagandists throughout the world, for few companies of hired agents would willingly submit to publicity on the matter. In commenting on this the Swedish representative at the League of Nations said, "the most dangerous facts can never be found in any official report."

The United States Senate arms inquiry of 1934 and 1935 shocked a world long grown callous to the terrific evils of the profit system. Specimen revelations included the following: That a revolution in Cuba resulted successfully partly because a munitions firm supported one Cuban group as against another; that the American agent of one of the firms said that bribery was almost universal in the South American trade; that the French government was described as a broker for the sale of arms in South Africa; that the English ambassador had assisted in sales to the Montevideo police officials. An American missionary in Ecuador, Paul Young, had written a letter to his brother, the president of Federal Laboratories, Inc. (makers of gas bombs and machine guns), as follows: "Yesterday I saw the Minister of

[1] Jerome Davis, *Capitalism and Its Culture* (Farrar and Rinehart, Inc., New York, 1935), pp. 216–217.

War again and demonstrated the hand grenade and the billy. . . . The demonstration of the hand grenade was . . . entirely successful. The Minister of War asked your best price on 100 billies and 200 hand grenades. . . . We have just spent a week of joyful life at this Indian station. . . . Six or eight Indians expressed a desire to follow the Lord. They have had the desire before but have been pulled down by sin. Indian work needs a great deal of prayer.

In spite of such startling facts the munitions firms were only acting as most firms in a capitalist economy do. *They were seeking profits first.* Munitions touch off the emotions more quickly than other industrial products because they traffic in war and death, but somewhat similar revelations could be made in almost any other branch of the existing economic order.

The Personal Remedy for Wrong Economic Control. Our present economic system, often called the capitalist system, has undergone a great deal of criticism in recent times, and especially since the onset of the great depression in 1929. It is not possible to restate and evaluate these criticisms here. Nor is there space for an analysis of the remedies that have been proposed. Some suggestions for the study of both the criticisms and the proposed remedies for the present economic system are made in the Student Exercises at the close of the chapter. Here we must limit the discussion to two proposals for a more ethical and socialized reorientation of current economic values and methods. The first of these is personal and emphasizes the necessity of an ethical and socialized type of citizen as a means to the production of improved economic controls.[1]

The more one ponders over the industrial reforms and the better democracy now being advocated, the more one becomes appalled by the obvious fact that precisely what we lack to make them successful is a radical regeneration of personal character. Leisure is a curse to any person who misuses it. So are more wages. If laborers use their increased resources to propagate irresponsibly they will soon crowd their own ranks to such a degree that by sheer weight of numbers they will sink the raft of their prosperity. But reproductive responsibility involves character. All mutual-benefit, cooperative enterprises are hard to operate permanently. They wreck on the recalcitrancy of a few individuals. The enfranchisement of labor will be a farce and a failure unless labor can develop a high degree of intelligence and moral responsibility. There is no formula by which wishes can be turned into horses! (or should we now say limousines?) Every great civilization has been built on a pain economy; and whenever it has achieved a pleasure economy it has, for lack of self-restraint, promptly begun its descent to Avernus. Utopias can never be even so much as approximated, not to say maintained, except by regenerated human nature. A new type of man must be evolved if we are to evolve a new type of society. Social justice can never be achieved except by just individuals.

The Social Remedy. However, the personal remedy, which has been much emphasized by religion and by traditional ethics, does not work alone. It must be supplemented by a social or collective ethical crite-

[1] From Ross L. Finney, *Causes and Cures for the Social Unrest* (The Macmillan Co., New York, 1922), pp. 270–271. Reprinted with the permission of the publishers.

rion for the control of economic relationships. The criterion here is the collective or social welfare, the promotion of the interests of all. Although stated in the somewhat partisan discourse of a militant reformer, the following passage summarizes very well the chief points of the objective or social criterion of economic control.[1]

> At all times and under all conditions Man in the mass is the only subject worth thinking about or legislating for. Day by day this becomes more and more apparent around the globe, and none of its manifestations is so important as this impending change in Business by which it shall be conducted for the sake of Man in the mass and not for the sake of a fortunate and overfed class. So far as men have been able to foresee, this is the certain trend of evolution. To agitate, to complain, to demand restrictive legislation, to fulminate, to try to distinguish between good trusts and bad trusts, to denounce, to regret, the days that are past, to prosecute, and to indict, are equally vain and equally foolish. Nothing will come of these employments but some very sorry spectacles. We live in the twentieth century, not in the fifth. We ought to be as willing to admit economic as geological facts, and the age of competition has passed from this earth as surely as the age of shellfish. Now comes the age of Man.
>
> Business is right, necessary, honorable, and not without sound reason. It is to-day the Power Behind the Republic. All it needs is to be democratized that it may become Man's best friend and the People's chief bulwark instead of that peril that now appals us all.

Standards of Political Morality. In our illustration of the new socialized pragmatic political morality based on the findings of social science it seems best once more to pass by those obvious cases of political immorality such as were illustrated in various chapters of Part II and take a case from current political practice which illustrates a more delicate sense of moral obligation on the part of the public servant toward his constituents. One of the most serious problems of political democracy, or of representative government, is to secure honest and fearless service to the public by its representatives in office. This is very difficult, partly because of the demagogic character of the men we ordinarily elect to office and partly because of the highly predatory character of the machine politics which tolerates dictators under the name of bosses to dominate our elections — and legislation — by fair means or foul, and usually by foul — in much the same manner as the national dictators in Europe dominate the countries over which they rule. Either the people as a whole are intellectually unable to master the issues that come before them and select representatives that will work in the interests of public welfare, or they have turned cynical and believe that they are able to do nothing against strong predatory exploitive political machines, or perhaps that after all the bosses and dicta-

[1] Charles Edward Russell, *Business: The Heart of the Nation* (John Lane Co., New York, 1911), pp. 280–281.

tors take care of the masses better than the traditional bureaucracy. Perhaps they are convinced that the whole political system is a "graft" and a "racket," and that it is better to support your home racket than some other racket farther away, which may do nothing for you.

Whatever the cause of the moral apathy of the people in practical politics, there are yet individuals and journals here and there who strive constantly to prevent public offices from being dominated by the bosses. They have not usually been very successful in this respect with reference to the legislatures and the executive positions in government, but it is generally believed that, outside of a few states where machine politics have been especially aggressive, the courts have been less dominated by machines than other branches of government. Possibly this is an illusion due to the fact that judicial procedure is so technical that it is less open to popular criticism than are legislative and executive procedure. But this at least appears to be the assumption behind the following editorial plea to keep a majority of the judges of a state supreme court from being elected from among the candidates favored by a particular political boss.[1]

Tomorrow is the last day on which candidates may file for places on the primary ticket in August. It is the last day on which the forces behind Gov. Stark's campaign to save the State Supreme Court from Pendergast domination may move to oppose the candidacy of State Senator Albert M. Clark of Richmond. Mr. Clark is now unopposed by any candidate who can possibly hope to win from him.

Mr. Clark is one of the two candidates backed by Boss Tom Pendergast, the other being James V. Billings, who has entered the field against Judge Douglas. Gov. Stark has rallied the State organization, as well as the Democrats of St. Louis, to the cause of Judge Douglas against Judge Billings, because he believes it highly important to prevent the court from being boss-controlled.

But the boss has two Supreme Court candidates to the Governor's one, and even if Judge Douglas wins, a victory for Mr. Clark would mean that there would be four judges on the bench who are under political debt to the boss against three who either are under no such debt or who have demonstrated their judicial independence. This, of course, is on the assumption that the Democrats will be triumphant in November.

We heartily agree with Gov. Stark that it is against sound public policy for the boss to name a majority of Supreme Court Judges. But unless Mr. Clark is beaten, the present four-to-three anti-Pendergast line-up on the court will be reversed to a four-to-three Pendergast line-up. If Judge Billings defeats Judge Douglas, the line-up on the boss' side will be five to two. . . .

Moral Obligations of the Candidate. But the moral issue in politics goes even deeper than that of public responsibility to see that candidates free from narrow partisan alignments and free to serve the best interests of the people be nominated and elected. It extends even to include the obligation of the candidate always to ally himself, before

[1] From the St. Louis *Post-Dispatch*, June 2, 1938.

and after his election, with the cause of public welfare and against any sort of affiliation with special interest groups that might impair his good will or ability to serve the interests of the masses of the voters who select him, presumably with the understanding that they can depend on his faithful devotion to their cause. We reproduce here the following editorial because it presents so clearly this issue of the duty of the candidate to his constituents and answers so tersely and yet so adequately the expediency arguments that are sometimes made against this point of view.[1]

We are aware of all tne arguments that have been or can be made to justify Senator Bennett Clark's entering into a truce with Pendergast of Kansas City. Senator Clark is a regular Democrat, and the Pendergast machine is a regular Democratic organization; Senator Clark must take account of the political realities; Senator Clark is seeking renomination and he would be foolish to reject a large block of proffered votes; Senator Clark owes it to the Democratic Party not to stir up unnecessary dissension in its ranks; Senator Clark has a chance to win the Democratic nomination for President in 1940 and it is therefore to his interest to have the favor of the boss, so that he may be supported by a United Missouri delegation at the nominating convention.

Such is the defense for Senator Clark's recent pilgrimage to the Boss' headquarters at Kansas City and his standing by, nodding assent, while Pendergast announced exactly what Senator Clark would do and would not do in the coming primary campaign.

Senator Clark would stick strictly to his own knitting. He had "no combination with anyone in Kansas City or elsewhere in the State generally." He would receive the support of Pendergast for the Senate. The meaning of all this was that Senator Clark would take no part in the fight which Gov. Stark is making against Pendergast's candidate, Judge Billings, for the State Supreme Court.

Now, it may be conceded that in "practical politics" there are demands, up to a point, that have got to be met by a candidate if he is to have any chance of success. And it may further be conceded, our party system being what it is, that a candidate's surrender to the expedient demands of his candidacy is not always to be condemned. We offer no counsel of perfection. But there is somewhere a line — and the good sense of the public usually places it correctly — whose crossing merits the severest condemnation. There is a line where the seemingly expedient thing clashes so sharply and so obviously with the public interest as to be, in fact, the politically unwise thing. There is a line where the hard way, taken in defiance of the demands of practical politics, becomes the best way not only in morals but in politics. There are times when the public has a right to expect a candidate to choose this hard way, whatever may seem to be its effect on his political fortunes.

Senator Clark has disappointed great numbers of his supporters by announcing his neutrality in the fight on the corrupt Kansas City machine. He has chosen what seems to him the easy way, when his responsibility to the people of Missouri cries out for a determined onslaught on the machine. The issue that Gov. Stark has sought to make — preservation of the Supreme Court from domination by Pendergast — is one that should appeal strongly to a man who did yeoman service in the fight to keep President Roosevelt from packing the United States Supreme Court.

[1] From the St. Louis *Post-Dispatch*, June 1, 1938.

The issue which Gov. Stark has raised is but one facet of the continuing issue of Pendergastism in Missouri. To be neutral in the fight on Pendergastism is to condone a malignancy which, like that in Jersey City, is eating at the vitals of representative government.

Senator Clark won the nomination for the Senate in 1932 over the boss' candidate, Howell. He made a campaign marked by its forthright candor on the issues of the day. He has proved an able Senator and on more than one occasion — notably in the Supreme Court fight — he has rendered distinguished service. It is doubly disheartening, therefore, to see him, in return for the boss' support, pledging himself to abstain from the present fight on the boss.

Whatever may be the assumed demands of his candidacy, Bennett Clark, as a representative of the people of Missouri in the United States Senate, has no business playing this kind of "practical politics" with Pendergast.

How the Ethical Criterion of Social Control Becomes Increasingly Effective. In the preceding pages a large number of cases have been presented which seem to indicate that in recent history at least the ethical criteria of social control have not only been greatly improved in theory but that they have been applied more effectively in practice. It is not the intention here to support the hypothesis that such improvement of the theory and practice of ethical criteria is either inevitable or inherent in the nature of the process of social evolution. Nor is it contended that such improvement has proceeded historically without serious setbacks and reversions. What the future will produce in this respect we do not pretend to know. It has been our purpose here merely to let past history speak for itself and to point out in a measure the methods by which such improvement in the criteria of social control have been effected. At this point we shall allow an observer — perhaps an overly optimistic observer — over a period of fifty years state some of the outstanding ethical improvements in social control which have come under his notice. This statement will serve to offset some of the darker pictures in social control which have been presented in preceding chapters.[1]

Fifty years ago there were no tenement-house laws and anybody could build any kind of a murderous flat that he might deem likely to return good profits. Fifty years ago nobody on the outside seemed to give a rap about the people that dwelt in those horrible barracks, but the fortunate generally believed that if there were any poor they were poor through their own fault and great laziness. Either that, or God has ordained that some of his children shall be surfeited with too much and many starved with too little, and shall we rebel against a divine decree? Fifty years ago the East Side was uncleaned, wretchedly paved, the streets disfigured with telegraph poles and perilous festoons of wires, was wretchedly policed, got sick or got well as heaven might order, wallowed in political corruption, was acknowledged kingdom of political thugs and ruffianly bosses, was the gold mine of grafting police officers, had no breathing spaces worth the name and no schools that were

[1] From Charles Edward Russell, *Bare Hands and Stone Walls* (Charles Scribner's Sons, New York, 1933), pp. 415–421.

not neglected and unsanitary, was infested with dives, boozing dens, and the resorts of criminals, never had an election that was not putrid through and through with frauds everybody knew and nobody cared about. Billy McGlory's dive running full blast as a horrible factory of crime, vice, misery, and suicide was only a type. On some streets every other store front was a saloon, a crooked cafe, an assignation house, or a house of ill-fame. . . .

All municipal government and conditions are much better in 1933 than they were in 1883. Take Chicago, the maligned and misunderstood, held in 1933 to the world as an awful example of a crime-ridden community. Who that carries in his mind a vivid picture of Chicago of fifty years ago can fail to be exhilarated at the contrast? Yes, straight in the face of the Capones, and all the rest. It is enough to stress this difference, that in 1933 the community cares; it is determined to abolish the evil conditions and is doing so. In 1883 nobody cares; the riot of lawlessness, rampant vice, thuggery, and graft is accepted as inevitable and incurable. . . .

Every average American city was ruled by a greasy boss who maintained his sway by an alliance with respectable business men on one side and the lowest dregs of the underworld on the other. Elections in these places were farcical. There were virtually no election laws that were enforced. In most places was little or no registration of voters and anything was a ballot that could be stuffed into a ballot box. . . .

Take the state of the worker. There was a ten-hour work-day, apparently fixed forever and regarded as divinely ordered. There was no factory inspection; workers toiled amid any conditions that might be provided for them, sanitary or unsanitary, dangerous or safe. The sweat-shop was unchecked in its fearful ministrations. There was virtually no compensation for a worker injured at his work. Workers were not supposed to have socially defined rights. Women and children in industry were without a shadow of protection. There were no laws regulating hours of labor, no minimum wage restrictions, and no protest against a general industrial injustice but such as the struggling and despised Knights of Labor could furnish. Except in a few larger cities and in a few highly organized trades, labor organizations were mostly impotent. The general status of labor was rather one of contempt among the more fortunate. John Hay wrote a book savagely satirizing and ridiculing it. Nobody cared.

The country had not yet recovered from the mad orgy of graft, swindling, pillage, and money grubbing that followed the Civil War, and nobody seemed to care much about that, either. There was a distinctly lower tone throughout the public service, less of the sense of responsibility, less of conscience, more of blind fealty to parties, catchwords, and the private purse. There was no regulation of railroad companies; they were a law unto themselves, and maintained unchecked [a] form of satrapy; . . . loaded themselves with watered stock and fictitious bonds for the public to pay and piled high many a buccaneer's fortune. There was no regulation of public-utility companies; they bribed, corrupted, rotted, and overcapitalized at their pleasure. There was no Trade Commission to lay bare the piratical excursions of great corporations; they exercised upon press and public a power unlimited. There were no effective pure-food laws; exploiters were free to palm upon the public any impure or deleterious concoction from which they could make money. . . .

International affairs were conducted upon a basis as primitive as that of Pharaoh. Only a few cranks, Quakers, and silly dreamers had any notion that we could ever get along without war. Every nation looked upon every other nation as a skin-clad troglodyte looked upon a stranger when the supply of cold ichthyosaurus was running low. Russia was crowding down upon India, Britain was butting her way into

China, Alexandria had just been bombarded to collect a British debt, and nobody cared. . . . .

In 1856 the British were eagerly pushing their advance upon China. Chinese waters were much infested with pirates. The Chinese government was reproached for not more vigorously suppressing piracy. A Chinese gunboat pursued and cornered a pirate craft, which hoisted a British flag. The Chinese commander disregarded this trick and captured the pirate. The British government pretended that this was a deadly insult, demanded apologies, indemnities, and promises. When the Chinese government failed to comply with the last details of the demands, the British instantly bombarded Canton and forced what is called in history the Second Opium War, leading to the capture of Peking and the looting and burning of the imperial Summer Palace, probably the most wonderful thing of its kind in the world. . . .

In 1842 Britain made war on China to compel China to admit opium. Nobody cared. She cannot make war on China today for any such purpose. In 1798 she went about Ireland hanging men that advocated the independence of their country. In 1933 men said with impunity such things as Robert Emmet was hanged for advocating. In 1854 the American ministers to England, France, and Spain met at Ostend and signed a manifesto urging the American government, if Spain refused to sell Cuba for slavery purposes, to make war upon Spain and take Cuba by force — for slavery. How does that document look when held before the modern conscience? . . .

Again and again, apparent evil proves to be but the outward symptom of wholesome change at work unseen. When banditries increase, kidnapings multiply, and the defensive machinery of society seems to have collapsed, the initial impulse is to throw up both hands and wail aloud that we are slipping backward into chaos. In truth, all these things only signal to the surface a transformation going on within, the ending of one era, the beginning of another. We have increase of crime and of criminals, not because mankind degenerates but because there is breaking down a conception of life no longer able to meet the needs, spiritual and material, of a race that is outgrowing it.

The General Course of Ethical Controls. In this chapter we have traced in considerable detail the long, and perhaps somewhat tedious, development of the ethical criterion of social control from the first dim recognition that men owed certain reciprocal obligations of justice to one another in exchange for immunity from violence for themselves, down to the present time when ethics or the principles of social justice have become a social science. We have seen how the early moral attitudes were adopted and given social sanction and currency by supernaturalistic religion, which nevertheless, in defense of the right or privilege of its own hierarchy to exploit a credulous mankind, withheld from the ethical sanctions a complete approval. Finally, ethical principles developed an independent philosophy of their own and allied themselves at last with the social sciences, and especially with sociology. At this point it would be of great interest to examine the application of the principles of social ethics to many modern problems of social control in industry, government, international, racial and class relations,

domestic and other situations. Such problems of moral control can, however, be only very generally indicated in some of the exercises that follow. In the next succeeding chapters we shall apply the ethical criteria of social control to the problem of punishment, and thereafter to the wider problems of custom, law, legislation, social reform, and education as ultimate methods of social control.

STUDENT EXERCISES

1. Compare the length of the period in which the ethical criterion of social control has been effective with the length of the periods in which force and supernaturalistic controls were dominant.

2. Why could not the supernatural criteria of social control be any more moral than the social experience of mankind had made contemporaneous men moral?

3. Trace out, in both ancient and modern religions, the distinction made by Hayes between priestly (legalistic) and prophetic (ethical) religion.

4. It would be desirable to have volunteers from the class read the whole of the chapters in Hobhouse's *Morals in Evolution*, from which selections are reproduced in this chapter, and report to the class on their arguments and illustrations.

5. The same might be done with pertinent chapters from J. H. Breasted's *The Dawn of Conscience*.

6. What, according to Hobhouse, has been the historical relation between religion and morals?

7. Show from the text, or from outside reading, how the ethical insight of religion developed as the forms of religion evolved. To what was this moral improvement due in each case?

8. What sort of moral attitudes have been emphasized historically by Christianity?

9. What sort of moral principles were stressed by Stoicism?

10. To what can these differences in moral attitudes be traced?

11. In the study of the moral principles of Christianity such works as the *Gospels* of the New Testament, Paul's *Acts of the Apostles*, the *Epistles* of the New Testament, Rauschenbusch's *Christianizing the Social Order* and *Christianity and the Social Crisis*, Shailer Matthews' *The Social Teachings of Jesus*, Peabody's *Jesus Christ and the Social Question*, and various other works on Christian Ethics by Harry F. Ward, Harry Emerson Fosdick, Jerome Davis, and others, may be consulted.

12. In the study of the moral principles of Stoicism further chapters in Lecky's *History of European Morals* and various standard works on Stoicism, as well as the writings of Epictetus and the *Meditations* of the Emperor Marcus Aurelius Antonius should be read.

13. Compare the ethical teachings of Christianity with the ethical teachings of Plato and Aristotle and other contemporaneous Greek philosophers (see Hobhouse and Lecky).

14. Make a similar comparison between the moral teachings of Confucius and his followers and those of the Stoic philosophers.

15. Try now, after making the studies and comparisons suggested above, to trace the evolution of ethical sanctions in social control from primitive times to the nineteenth century (Hobhouse and Lecky may again be consulted).

16. What did the ethical sanctions of Utilitarian philosophers add, if anything, to the principles of social control?

17. What was the chief defect of each of the systems of sanctions of ethical controls so far canvassed?

18. What is the point of superiority in the social science determination of ethical sanctions in social control?

19. What effect did the political situation in Ancient Egypt have upon the development of ethical sanctions in social control, according to Breasted? See Introduction to his *The Dawn of Conscience.*

20. What effect did the unsettled social and political conditions in the last centuries of the Roman Empire have upon the ethical sanctions of Christianity?

21. What effect have modern conditions of social advance had upon the outlook of moral sanctions generally? Simon N. Patten's *The Social Basis of Religion* may be consulted in this connection.

22. How did the defeats of the Hebrew people by the Assyrians influence the trend away from ritualistic over to ethical religion? Consult Louis Wallis' *God and the Social Process.*

23. For a statement of ethical controls in modern industry, both actual and desirable, consult Jerome Davis, *Business and the Church* and *Labor Speaks for Itself on Religion;* also Harry F. Ward's *The New Social Order, Social Creed of the Churches, Poverty and Wealth, The Profit Motive,* and *Our Economic Morality,* and other similar works, of which there is a considerable number. Jerome Davis' *Capitalism and Its Culture* is a strongly critical work in this field.

24. For a more complete statement of the ethical and social problems of promoting peace at the expense of war David Starr Jordan's *Ways to Lasting Peace,* or some other adequate current treatment, may be read in full.

25. For analyses of ethical problems of social control in American race relations, consult James Weldon Johnson's *Negro Americans, What Now?,* E. R. Embree's *Brown America,* C. S. Johnson's *The Negro in American Civilization,* Monroe N. Work's *Negro Year Book,* Booker T. Washington's *Up From Slavery,* Rupert C. Vance's *Human Factors in Cotton Culture,* and other similar works.

26. An adequate picture of the ethical problems of social control in American politics can be obtained from Lincoln Steffens' *Autobiography.* Large sections of this work should either be read by the class or be reported on to the class.

27. Leo Markun's *Mrs. Grundy* may be taken as the basis of a study of some of the leading moral shams in recent history, but it should be read critically.

28. Much good material on the earlier history of moral standards and controls may be found in W. E. H. Lecky's *History of European Morals.*

29. Edward Westermarck's *Origin and Development of the Moral Ideas* presents similar materials for primitive peoples.

30. Students may profitably list and classify the esthetic controls that they are able to find indicated in advertising, literature, art, the daily newspaper, magazines, dress, social intercourse, recreation, amusements, and other social areas. Each interested student may take an area for investigation and report findings to the class.

31. The same type of procedure may be used for investigations and reports on good and bad manners.

32. The instructor should assign J. Novicow's little book, *War and Its Alleged Benefits,* for report on current misconceptions regarding the social functions of war. These misconceptions are not as prevalent now as once they were, but in some countries they are still too much so.

33. Charles A. Beard's *The Devil Theory of War* should be read entire and reported by some member of the class.

34. The analysis of text material may be usefully supplemented by further reading and reports from Ferrero's *Peace and War*.

35. The two books by Will Irwin (*The Next War* and *Christ or Mars?*) present in an easily assimilable form (1) the social waste and dangers of war and (2) methods of preventing war.

36. Clyde Eagleton's *Analysis of the Problem of War* should be consulted for reports on various forms of the politico-social control of war.

37. T. B. Veblen's *The Nature of Peace* still presents one of the best analyses of the economic problems of securing a permanent peace.

38. George Soule's *The Future of Freedom* contains one of the best analyses of the ethical and social aspects of freedom, especially on its economic side.

39. Two excellent works by Thurman W. Arnold — *The Symbols of Government* and *The Folklore of Capitalism* — should be read by the more advanced students of social control. In an upper class or in a seminar in the subject they should have a very important place.

Chapter XVIII

PUNISHMENT AS AN ETHICAL CONTROL

We have already considered in Chapter VI the subject of punishment as a method of social control by means of force. In that chapter we also reviewed the historic motives to punishment and traced the development of primitive methods in response to the retaliative motive and to that of the repression of crime for the sake of the protection of society. It was not, however, our intention in that place to examine the ethical justification of punishment, or to consider punishment as an ethical social control. This is the subject of the present chapter.

When Punishment Becomes an Ethical Control. It may even be questioned whether the motives to punishment known as retaliation and repression are in any definite sense ethical. The motive of retaliation or revenge is essentially personal in character and can become ethical only when it is generalized to all persons and in society as a right and is thus recognized as a principle of social justice. As such, undoubtedly the motive of vengeance does not become ethical until it is moralized as a protective principle of social procedure, or as a means of social defense. As such it becomes a method of repressing crime. In some of the selections from Hobhouse later to appear in this chapter we shall see examples of this principle at work. It is the recognition of the right and even of the duty of the individual to defend himself and especially his kindred and fellow tribesman through acts of vengeance which gives a moral character to the act of retaliation. When later the organized group reserves the right of retaliation to itself under the conditions or terms of custom and of the penal law, in order that the limits of justice shall not be exceeded by individual ardor, or perhaps in order that due zeal and efficiency shall be displayed in the apprehension and punishment of those who menace public order and safety, this act of collective retaliation against offenders is made ethical or moral in a special social sense.

The Will to Power Theory of Punishment. Some writers on social control, and especially those who believe that social control began not in ethical considerations, but in the will of the strong to dominate the weak, stoutly maintain that the motives of retaliation and repression contain no ethical elements. They regard these impulses merely as phases of the will of the strong to keep the weak in subjection, or of the

weak to revenge themselves on their oppressors and thus to become the strong. This point of view is set forth with considerable logic and equal persuasiveness in the following selection. The contention of the author is that punishment does not as much arise out of moral disapprobation as from the effort of authority to maintain itself in power. However, he does not consider this punitive effort solely from a negative or repressive aspect. He also takes into consideration certain positive virtues, such as courage, temperance, and wisdom, which he believes spring from the process of rule and become obligatory upon both the rulers and the ruled. The author cited states his point of view as follows.[1]

It is too much to expect from the frankest of physicians that he should give us a candid criticism of the practice of medicine as it exists today. But he has no scruples against telling us how ignorant and often harmful it was a generation or two ago. The profession then still retained a naïve faith in the virtues of various drugs as "cures" for various diseases, which later investigation has not justified. Outside the profession, indeed, the use of dangerous household remedies and patent medicines prevailed almost unchecked. Our fathers, and even more our grandfathers, were dosed with physic, upon the slightest excuse, to an extent that seems appalling, until it is suggested that the endurance which they displayed is a most convincing evidence of the toughness of our stock. If it could stand that, it can stand pretty nearly anything. So the genial monitor of our homes now informs us; and he even goes so far as to say that the fewer prescriptions he writes the better he earns his fee. . . .

What the practice of medicine was a generation or two ago, such is punishment as it is administered in our homes and in our penal institutions today. I do not mean to say that punishment is upon the whole a bad thing; and I am far from wishing to suggest its abolition. But it appears to me that it is administered with as little real knowledge of its possible or probable effects as our forebears had of the virtues of the dark-brown doses which they prescribed and swallowed. The situation is precisely analogous. A wrong has been committed and something must be done. You and I were punished when we were young, and behold us now! If we had been punished a little more frequently and severely, perhaps it would have been better for us. The sensible man of old imprisoned and hanged criminals; and society is preserved to us. If they had imprisoned and hanged a few more, so much the more stable our social institutions might be. And, as the physician could always point with impressive effect to the unfortunates who had despised his ministrations and had died in consequence; so the parent and the judge can point to many a culprit who has been spared the lash, and who has grown up in iniquity and social rebellion.

Very curious has been the attitude of moral philosophy toward punishment. Except on the part of a comparatively few radical skeptics, the assumption has been made that punishment is, of course, on the whole efficient in accomplishing its purpose. There has been some disagreement as to whether punishment is good or bad for the individual punished; but its utility to society has been acknowledged

[1] Adapted from Theodore de Laguna, "The Relation of Punishment to Disapprobation," in *Philosophical Essays in Honor of James Edwin Creighton* (The Macmillan Co., New York, 1917), pp. 318–327. Reprinted by permission of the publishers.

without hesitation. The question has been: What is this utility? Why is punishment right? or, at best: On what principles can it be most effectively administered? The philosopher, like the man in the street, has had a faith in punishment altogether comparable to the old-fashioned faith in drugs. The broader question, whether there are not other agencies that can accomplish all or most of what is expected from punishment, and accomplish it with more certainty and with less incidental loss, has not only been generally neglected, but even been set aside as foolish or wicked. . . .

I shall take for granted that the rationalistic dogma of a peculiar *a priori* appropriateness of punishment to crime is a delusion; that the juristic theory of deterrence is inadequate, because, except where an indiscriminate "frightfulness" is practiced, punishment does not effectually deter; that the humanitarian theory of reformation is inadequate, because, generally speaking, punishment has no direct reformatory influence; and that the real value of punishment is, for the most part, as one means among others whereby the sentiment, or attitude, of *respect for authority* is fostered, — by no means always the best means, sometimes useless, sometimes indispensable. As such, I shall assume, punishment does important service in maintaining domestic and civil peace and order, and thus helps to ensure the necessary conditions under which the development of good character takes place. . . .

The plain fact, it appears to me, is that *the rise of punishment is part and parcel of the rise of authority:* the authority of chiefs, of heads of households, of gods, and of states. The punishment, by new-born states, of deeds of violence that have hitherto been held in check only by revenge, is simply a case in point.

If the inquiry be pushed back a step and the origin of authority itself be sought, a partial answer, — perhaps the most significant part of a complete answer, — is that it arises from the increased necessity of co-operation in work. This is, of course, Rousseau's great sociological principle: "Corn and iron have enslaved the human race." Where, for example, children do not work under the direction of their elders, the latter feel little desire to assert authority over them and seldom punish them. Under such circumstances, a parent may, on occasion, get terribly exasperated at his child, — though even this is rare, — and strike him brutally in consequence. But he has, in general, no commands to give him; the child lives his own life, except as he comes to the women for food; and as there is little authority to be enforced, there is little enforcement of it. Similarly, the authority of tribal chiefs is no doubt mainly due to the necessity of effective co-operation in war. It may be limited to periods of actual war. Whether temporary or permanent, it must be actively exerted; and thus punishment is involved.

What, then, is the primitive motive of punishment? The resentment of the superior at not being obeyed. There is no project of reformation. Among people of a low grade of culture there is surely no project of deterrence; that belongs to a reflective theory. On the other hand, the actual effect of punishment is not simply to compel obedience. Obedience may, within a very limited range of conditions, be compelled by torture. But more than this is required; and more than this is in general secured without anything approaching torture; namely, the conscious duty of obedience. The superior punishes because he feels that he ought to have been obeyed. The punishment has the moral support, as well as perhaps the physical support, of the community. And the culprit feels not only the physical blows, but also their significance. To the question, therefore, what the primitive function of punishment is, I would answer: Precisely what its proper function today is. It is one of the agencies through which willing submission to authority is secured.

It is worth notice that in early society there is no specific duty of punishment. It is a right. If the superior wishes to pardon, he does so without committing any injustice; just as, generally speaking, an injured man does no injustice if he fails to revenge himself on his enemy. Such a conception sometimes persists, especially where there is an autocratic government, to an advanced stage of culture. The good-natured caliph, on the occasion of his marriage to a fourth wife, or of the birth to him of an heir to the throne, sets free a multitude of jail-birds; and the people applaud his clemency. Punishment may become a duty through custom. It necessarily becomes so, when the officer who directs it acts as the servant of a God or of an earthly sovereign; and this happens equally when, through reflective thought, punishment comes to be regarded as a means of fulfilling various responsibilities which custom has laid upon husband, parent, master, or sovereign. "Spare the rod, and spoil the child," is, of course, in the first instance, a prudential maxim: if you want children that are worth having you must beat them into form. But let a responsibility for moral education arise, so that the community looks to the parent to "train up a child in the way he should go," and then chastisement is a duty that is owed either to the community or to the family or to the child himself. In this case punishment may go beyond its primitive and normal limits. Since it is supposed to improve the child, any moral fault may be regarded as calling for it: cowardice or meanness, for example. Yet even here, I think, most men would hesitate. It is impossible, they would say, by means of penalties, to make children brave and generous.

Enough has been said, I think, to show that punishment is not essentially an expression of moral disapprobation as such. There are important classes of adverse moral judgments that seldom issue in punishment; and when punishment is inflicted it is not, as a rule, for a moral offense simpliciter, but for insubordination.

How the Primitive Motive to Punishment Became Ethical. This viewpoint seems to be historically and psychologically sound, but it does not dispose of the question of the origin of the ethical sanction of punishment. Unquestionably there is such a sanction at the present time. The author of the passage just quoted states that cowardice, intemperance, stupidity, selfishness, etc. (great vices among us) were punished originally because, and only when, they brought suffering upon the group. We may even go further and recognize the fact that they frequently go unpunished now when they fail to arouse resentment in a sufficiently large number of persons, because their bad effects can be confined within a narrow range of persons and are not felt to harm any large portion of society. What Professor de Laguna does not tell us is how the motive to the punishment both of disobedience and of the vices became ethical instead of or in addition to being retaliative. This is a very significant question for the theory of social control. We shall attempt to answer it in what follows.

The fact remains that, whether acts of retaliation and repression were originally moral or non-moral, they came in time to possess an ethical significance by virtue of their induction into a complex social situation where the interests of others might easily be invaded and

jeopardized, and also because the administration of retaliation and repression came eventually to be monopolized by society itself as the only agency capable of adequately preventing such invasion of interests. Theoretically at least, this public assumption of responsibility for punishment was in the interest of the social or public welfare. Actually, frequently it may have been the perquisite of the ruling group, employed for the protection of its own dominant interests. But even so, custom and the sanctions of supernatural religion must have made the interests of the ruling group "right," and out of this right by custom may have arisen right by functional morality.

There are, in fact, two explanatory theories of the manner in which punishment developed an ethical significance. One of these is essentially secular and the other is supernaturalistic. They do not appear to be antagonistic, but rather to supplement each other. We shall state both of them here and attempt to reconcile them by showing how each supports the other.

The Social Complexity Theory. In a very suggestive paper, Professor Faris has set forth the theory that punishment of the members of the group by the authority of the group itself did not occur in the early stages of simple human society, but arose only when increasing social complexity produced classes or factional interests within the group which had to be harmonized or adjusted by third persons with power to punish infractions of the peace and to prevent disorganizing strife and violence. Thus Professor Faris, unlike Professor de Laguna, holds that punishment did not arise out of retaliation, but from the constructive motive of keeping the peace. Both agree that it served to assist authority. It is possible that both retaliation and the desire for order were early effective motives to punishment, the former being at first largely individual — although it had its group aspects, as Hobhouse indicates later in this chapter, in connection with the blood feud — and the latter being always a collective motive, asserted especially as the increasing complexity of society rendered the keeping of the peace necessary to group welfare. Professor Faris' analysis follows.[1]

> There is abundant reason for questioning whether any one inside the primitive group was ever punished, at least by those within his own tribe. In an instinctive way the members of the group are bound together and in the most homogeneous groups they do not punish each other. Present-day people of some uncivilized tribes do not punish their children. The writer, during a residence of several years among the Bantus of the upper Congo river, in which time the people were under constant observation, failed to observe a single case of the punishment of a child. This is not a deliberate or reflective process, but rather an instinctive and uncritical one. The child in a small community that is homogeneous and in a situation where

[1] Adapted from Ellsworth Faris, "The Origin of Punishment," *International Journal of Ethics*, XXV : 54–67 (Oct., 1914).

outside influences do not penetrate, will find himself fitting into the social situation where he grows up and is without the stimulus to commit acts of an anti-social character.

And when, by any chance, such an act is committed, it is highly improbable that it will arouse any resentment whatever; in the event that it does, there is no remedy, and the tribe simply does nothing save where the offence is so serious as to break all bounds. . . .

Absence of punishment is also the characteristic of the Japanese system of governing children. President Sato of Sapporo College in a conversation with the writer, says that the Japanese do not punish their children even yet, although the foreign influences are very pronounced at the present time in Japan. But for a long time, the system was homogeneous and unified and the momentum of it endures till the present. It is true that President Sato considers that the Japanese are too indulgent with their children and that they should exercise more careful control over them, but the fact of the absence of a system of physical punishments for children is highly significant. . . .

This much is, therefore, clear from the discussion so far. Punishment could not have arisen within the early group owing to the absolutely social character of their early organization and the absence of physical force from their methods of dealing with each other. . . .

The conclusion is, therefore, that there is no punishment of any one in a thoroughly primitive society. The whole universe is divided into two classes for the theoretically primitive savage, and these are the members of his own group whom he does not ever think of striking or punishing in any way, and the rest of the world who are to be watched carefully at all times but who are to be destroyed if they are found in an attitude of attack. . . .

For a situation which would make the attitude of formal punishment possible, we must have a society that has grown so complex that there are varying degrees of relationship and of fellow-feeling. This is, to be sure, the natural result of a prosperous community; for, as populations multiply and migrations are rendered necessary by part of the company in order to find more room, it is inevitable that some distant tribes should also be distant kin and the reaction of enmity would tend to become modified. Indignation would be present, but it would be tempered by other feelings, in case an offence should be committed. The presence of slavery as an institution is also one of the early manifestations of complexity. Exogamous marriages also imply alliances with otherwise hostile tribes and these alliances are often of the most serious and binding nature. Also there are numerous temporary alliances for barter and for protection.

In such a complex situation it would be a rare case in which an offender would not have some friends within the very group that is concerned. Should two slaves, for example, have a serious quarrel, there might be nothing in the way of a battle to the death if they were of different tribes. But the owner of the two would naturally wish to save his property. In case of a federation of villages, the leaders would naturally be in favor of an amicable settlement of feuds between constituent members of the larger organ. There will be those in such a complex group who would wish to see the offender destroyed, that is, they would take the part of an enemy entirely and who would, therefore, defend his cause. And there is necessary in any real punitive situation an impartial umpire who has interests on both sides.

Here, then, is the solution to the problem of the origin of punishment. So long as there are just two groups in the social world of the savage, no punishment could take place, but when there are three or more groups in his world, the attitude of

formal punishment becomes a natural one. There is the group to which the offender belongs, the group which he has attacked, and a third which is relatively neutral and has interests in both.

Our institutions of punitive justice exhibit this phenomenon quite accurately. The criminal is the expression of a group and is normally quite loyal to the group ideals and the code of his clan. This group is represented before the bar by counsel, appointed, if necessary, by the state itself, and the counsel for the defence is interested in making such a showing in the trial of the cause that the rights of the defendant will be fully protected.

There is also the group which the prisoner has attacked, represented by the prosecuting attorney whose sole task it is to paint the offence in the blackest colors, or, in other words, to represent his enemies and to destroy him, if possible. The fact that he is said in our legal procedure to represent the "people" should not blind us to the fact that there is also a third group necessary in the situation, represented by the judge and the jury. These stand for the great body of those who are not directly concerned and who are, in reality, attempting to arrange the conflicting claims. The jury is supposed to have no interest in the case and preferably to have no knowledge of the matter, to be, therefore, wholly disinterested and of another social group entirely.

According to this discussion, punishment is a practice that has arisen out of group activity and owes none of its origin to private vengeance or the rule of force within the group. Punishment is the expression of the clashing of groups; with a "buffer-group" to lessen the shock. It is a phenomenon of social psychology and can only be approached intelligently from the social point of view.

The Problem of a Sanction to Punishment. This theory of the origin of punishment within the group is essentially an expediency theory, and has some recognizable similarity to the theories of the origin of control in exploitation propounded by de Laguna above and by Oppenheimer and others. It undoubtedly has much to recommend it; but it is more successful in explaining the occasion for punishment than in finding a sanction for it. If punishment is to be more than a bold exploitation of the weak by the strong, with no other justification than might, some sanction other than that of force must be found for it. This sanction probably at first rested upon the relation of the master to the slave and of the supernatural spirit or god to the human being. Both the natural and the supernatural master had such undisputed power, reaching even to life and death, over the inferior that punishment was generally recognized as a right and, short of death, it was an act of mercy in cases where the inferior had offended.

Custom grew up as a means of enforcing these obligations imposed upon inferior men. Such obligations may be either negative (in the nature of taboos) or positive (in the form of commandments). The obligations of slaves and inferior men to their masters were assimilated to the supernatural in order to give them more weight. Thus, to disobey a master was also to disobey the supernatural. Obedience was dictated by fear of punishment by the supernatural whose com-

mandments or taboos were assumed to be violated. It was enforced by violence. The duty of men to their masters and to the supernatural in such cases was the duty of the subject or slave to the master. It was not at first ethical, because it was not the result of a mutual service or obligation or of a covenant. But later, sometimes much later, when the relation between the supernatural and the human personalities became one of mutual service, and therefore a social obligation, this relationship and the mutual obligation of gods and men became an ethical one. In the higher religions the reciprocal benefit of such a relationship of mutual aid between the divinity and the worshipper becomes so manifest that it is described as a relationship of affection and therefore as decidedly ethical. Somewhere in between these two extremes of relationships of fear and of love there often is established a relationship of covenant or contract, such as that formulated by Jacob and his god, by which each promises the other the service which is most desired by him. In such a contract, which depends upon the good will of the covenanters for its enforcement, is the beginning of an ethical relationship between the gods and men.

The Sense of Community Responsibility. But even before this relationship between the supernatural and the human passed out of the exploitive or force and violence stage into the ethical, a system of moral obligations may have arisen among men. Such moral obligation may grow directly out of human experience, as described in Chapter XVII, or it may arise as a by-product of the relation of men to the supernatural. In the former case the obligation is direct and immediate. In the latter case it is indirect and derivative. Every member of the human group — whether tribe or nation — is at some time made aware of the fact that he is not free to take the risk on his own account of giving offense to the supernatural by breaking its taboos or by violating its commandments. Whether of direct or indirect origin, the fact of collective or community responsibility comes in time to be very real and prominent in the primitive group. If one member incurs the wrath of the gods he thereby brings punishment upon the group as a whole. As a consequence, moral obligation is established and recognized in the group custom which enjoins upon every member the solemn duty of avoiding any act which might bring the wrath of the gods upon any other member. This is indeed an indirect method of establishing moral obligation, but it is none the less an effective one. As a corollary of this mutual obligation of the members of the group, there arises a further obligation of the group to punish any member who either wilfully or unwittingly becomes an offender against the gods and at the same time against group safety. This obligation to punish the offender is an ethical obligation, although the subjective motiva-

tions may be fear and resentment. The cases cited in the following selections will throw light upon the principle we have here explained.[1]

No doubt, . . . custom is binding upon primitive man, and binding upon him in truth because it is custom. But while this is the real moral force which the onlooker recognizes as the essential point, primitive races have often a definite conception of their own as to the reasons of their obeying custom. Not infrequently its breach will bring misfortune upon the wrong-doer, on some one connected with him, or on the community. Thus the Aleuts hold that the whale avoids dissolute tribes, on which account whalers must avoid women during the fishing season. But the whalers may have to suffer for the sins of others as well as their own, for the whale would punish them if their wives were unfaithful during their absence, or if their sisters were unchaste before marriage. Similarly, the Australians hold that certain breaches of custom cause the Erkincha disease and other penalties. Among the Eastern Eskimo, though abortion and infanticide are common, an opinion is growing against them on the ground that they bring misfortune in the village where the child's wailing is heard.

The process whereby breach of custom thus brings about its own penalty is not always easy to trace. The cases in which we have full information, however, fall into two principal classes. In the first, the connection is "direct," *i.e.*, an evil influence is set up by the misdeed which, like any physical cause, produces disease or whatever the bad result may be: these cases are in line with primitive magic, and in them the sanction may be regarded as magical. In other instances the trespass is held to offend a certain spirit, or possibly to put the evil-doer or his friends into the power of the evil spirit. This conception belongs to the department of animism, and here the sanction may be called religious. Finally, the two conceptions can be blended, magical and religious elements being entangled together.

To begin with magic influences. When the Dakota violates a female captive or breaks the rule of continence upon the war-path, he not only displeases the spirits of the deceased, but also the "war-medicine," and on both grounds brings down misfortunes on his party. Taboos on intercourse have been frequently mentioned as forming a large portion of primitive life, and as influencing the marriage laws all over the world, and the taboo acts like a magical quality. For instance, the Australian native must not eat food killed by certain relations, nor generally food into which such persons "project their smell." Here the taboo is a quality which affects the food, and would directly injure the eater. We have seen that over a considerable part of the savage world taboo is the method of protecting property, *e.g.*, in Rotuma the natives are honest, but their honesty arises from the fear that if one touches the food of another the owner might kill him by its means. In the Melanesian practice the owner of the property controls the taboo. We are expressly told that it has no authority from a spirit. The infectiousness of the taboo is, as we have seen, an important element in early criminal law, the offender who has broken the taboo transferring its dangerous character to himself, and so not only incurring a curse, but also involving himself in the penalty of exclusion from the community. Thus the breaking of taboo carries its own punishment. The process works automatically and without need of the intervention of a spirit. In a quite similar way we have seen that some forms of oath and ordeal provide automatic punishments of perjury. A fetish object is laid on the stomach in Great Bassam, a stone is powdered and drunk in water in Ashanti. The operation in both cases is magical.

[1] From L. T. Hobhouse, *Morals in Evolution* (Chapman and Hall, London, 1906), II : 50–53.

Often in early society the laws are protected by a curse pronounced by the people as a whole or by a priest as their representative on any one who shall break them. Thus, we have the well-known list of curses in the Book of Deuteronomy and a quite analogous set of inscriptions recording the curses pronounced against offenders in the early Greek states. In the same way, paternal authority is fortified by the power of the parental curse and blessing. This action is automatic, and though we may say that it incorporates an ethical idea it fails to work in strict accordance with ethical conditions. The operation of the magical agency is, if the term may be coined, paramoral — working by the side of the ethical principle, but not always on the same lines. The point is well illustrated in the story of the sons of Isaac. Jacob secures by fraud the blessing intended for Esau, and once given, the blessing cannot be withdrawn. It is quite comparable to a piece of goods made over once for all and not to be resumed. The most Esau can hope is that the store may not be exhausted — "Hast thou not reserved a blessing for me?" "Hast thou but one blessing, my father?" Yet if the blessing were the true expression of the father's loving gratitude won by good service, Jacob should rather have had a curse for his deceit.

Punishment of the Soul after Death. It is not only in this life that men suffer for their disobedience to the gods, but in another world also.[1]

Meanwhile, the connection of religion with morals develops on another line; the misfortunes which follow wrong-doing may not be manifested in this life, but whether conceived as the automatic consequences of the act, or as due to the wrath of the spirits, they may fall upon the soul in its life beyond the grave. In an elementary form the conception of retribution in a future life appears within the savage world, and though in many cases it is probably imported from civilized religions, there is no reason to doubt that there are uncivilized peoples among whom it has grown up spontaneously.

Sense of Sin and Expiation. While the punishments imposed by the supernatural in a future life would not necessarily involve moral attitudes or obligations any more than such punishments in this life do, unless a relationship of mutual obligation through contract or affection existed between the gods and men, there would nevertheless exist the ever-present ethical obligation of one member of society toward all the others not to jeopardize them by committing such sins. Thus the ethical element in sinning against the gods and of endangering the future happiness of mankind — as Eve did in partaking of the forbidden fruit, which "brought woe and destruction into the world" — is primarily a human social rather than a supernatural-human relationship. As far as the gods are concerned, the relationship may be purely magical. But not so in the human relationships. Thus in the Christian religion sin has had, by induction, a peculiarly strong ethical significance, reinforced by the doctrine of the atonement. This moral

[1] From L. T. Hobhouse, *Morals in Evolution* (Chapman and Hall, London, 1906), II : 62.

way of looking at sin by Christians is brought out in the passage which follows from Lecky.[1]

The doctrine of a future life was far too vague among the Pagans to exercise any powerful general influence, and among the philosophers who clung to it most ardently it was regarded solely in the light of a consolation. Christianity made it a deterrent influence of the strongest kind. In addition to the doctrines of eternal suffering, and the lost condition of the human race, the notion of a minute personal retribution must be regarded as profoundly original. That the commission of great crimes, or the omission of great duties, may be expiated hereafter, was indeed an idea familiar to the Pagans, though it exercised little influence over their lives, and seldom or never produced, even in the case of the worst criminals, those scenes of deathbed repentance which are so conspicuous in Christian biographies. But the Christian notion of the enormity of little sins, the belief that all the details of life will be scrutinised hereafter, that weaknesses of character and petty infractions of duty, of which the historian and the biographer take no note, which have no perceptible influence upon society, and which scarcely elicit a comment among mankind, may be made the grounds of eternal condemnation beyond the grave, was altogether unknown to the ancients, and, at a time when it possessed all the freshness of novelty, it was well fitted to transform the character. The eye of the Pagan philosopher was ever fixed upon virtue, the eye of the Christian teacher upon sin. The first sought to amend men by extolling the beauty of holiness; the second by awakening the sentiment of remorse. Each method had its excellences and its defects. Philosophy was admirably fitted to dignify and ennoble, but altogether impotent to regenerate, mankind. It did much to encourage virtue, but little or nothing to restrain vice. A relish or taste for virtue was formed and cultivated, which attracted many to its practice; but in this, as in the case of all our other higher tastes, a nature that was once thoroughly vitiated became altogether incapable of appreciating it, and the transformation of such a nature, which was continually effected by Christianity, was confessedly beyond the power of philosophy. Experience has abundantly shown that men who are wholly insensible to the beauty and dignity of virtue, can be convulsed by the fear of judgment, can be even awakened to such a genuine remorse for sin as to reverse the current of their dispositions, detach them from the most inveterate habits, and renew the whole tenor of their lives.

But the habit of dilating chiefly on the darker side of human nature, while it has contributed much to the regenerating efficacy of Christian teaching, has not been without its disadvantages. Habitually measuring character by its aberrations, theologians, in their estimates of those strong and passionate natures in which great virtues are balanced by great failings, have usually fallen into a signal injustice, which is the more inexcusable, because in their own writings the Psalms of David are a conspicuous proof of what a noble, tender, and passionate nature could survive, even in an adulterer and a murderer. Partly, too, through this habit of operating through the sense of sin, and partly from a desire to show that man is in an abnormal and dislocated condition, they have continually propounded distorted and degrading views of human nature, have represented it as altogether under the empire of evil, and have sometimes risen to such a height of extravagance as to pronounce the very virtues of the heathen to be of the nature of sin. But nothing can be more certain than that which is exceptional and distinctive in

[1] From W. E. H. Lecky, *History of European Morals from Augustus to Charlemagne* (D. Appleton and Co., New York, 1877), 3d ed., II : 3–5.

human nature is not its vice, but its excellence. It is not the sensuality, cruelty, selfishness, passion, or envy, which are all displayed in equal or greater degrees in different departments of the animal world; it is that moral nature which enables man apparently, alone of all created beings, to classify his emotions, to oppose the current of his desires, and to aspire after moral perfection. Nor is it less certain that in civilized, and therefore developed man, the good greatly preponderates over the evil. Benevolence is more common than cruelty; the sight of suffering more readily produces pity than joy; gratitude, not ingratitude, is the normal result of a conferred benefit. The sympathies of man naturally follow heroism and goodness, and vice itself is usually but an exaggeration or distortion of tendencies that are in their own nature perfectly innocent.

But these exaggerations of human depravity, which have attained their extreme limits in some Protestant sects, do not appear in the Church of the first three centuries. The sense of sin was not yet accompanied by a denial of the goodness that exists in man.

Avoiding Punishment by Shifting Responsibility for Sin. It is also of course important to free the offending individual and the community from the effects of a sin against the gods, once it has been committed intentionally or inadvertently. This was often possible if the offending party, or even the community itself, used a magic formula to transfer the guilt. Some of these methods are described in the following passage.[1] The Christian doctrine of atonement also belongs in this class of devices intended to aid in the escape from the effects of sin.

In the early stages of moral development men have, broadly speaking, two methods of dealing with their sins, one affiliating itself to the magical, the other to the religious conception of wrong-doing, while as before the two are not infrequently blended into one. Under the magical conception sins, if we may so call them, are, like other evils, things that can by appropriate methods be purged out of a man or a place or a community. They may be transferred to a scapegoat, taken from those who have committed them, put into the animal or man who is to bear them, and driven away into the wilderness or destroyed. They may be got rid of by a solemn formula in which the wrong-doer repudiates them, swears them off, while magical ceremonies are at the same time performed to complete their destruction. On the other hand, where the wrong-doer is held to offend some spirit, the curative process would naturally consist in either quelling, subduing, driving away that spirit, or in appeasing and reconciling it. The former process will closely connect itself with magical arts, the latter leads on to the sacrifices which form the central feature of the cult of the gods.

The expulsion of evils by transferring them to a man or an animal is frequently performed on behalf of the whole community; it is familiar to us from the scapegoat to whom the sins of the Children of Israel were transferred on the Day of Atonement. Laden with these sins, the beast was driven away into the wilderness and the people were free. . . .

The purification of the community from all ills, physical and moral, is often an annual affair, and since it is necessary that all transgressions which involve the possibility of calamity must be known in order to be got rid of, it is sometimes preceded by an annual confession of sins. The Creek Indians, for example, held a

[1] From L. T. Hobhouse, *Morals in Evolution* (Chapman and Hall, London, 1906), II: 65–67.

ceremony called the "Busk" every summer, in the course of which "all the men who were not known to have violated the law of the first-fruit offerings and that of marriage during the year" were summoned to hold a solemn fast. All impure people were kept apart, also fasting, and after other ceremonies a new fire was kindled which was held to atone for all great crimes except murder.

But the simplest method of ridding oneself of sins is merely to deny or repudiate them in the proper form which the tradition of the priest assures the sufferer to be efficient in ridding him of the load of guilt. This method of purification was highly developed in Babylonia, and also plays an important part in the Egyptian conceptions of the future judgment.

Conversion — Its Magical Form. It will be noted from the last part of this quotation that, with the passage of time and the growth of realistic experience, the method of disencumbering the guilty one of his sins became increasingly one of moral readjustment instead of one of magic. This method of spiritual compensation for sin finally evolves into the act of moral regeneration known as conversion.

But conversion has not always been a matter of turning from moral evil. Originally it was purely a matter of magical transformation or of magical belief and acceptance of a set of mystical principles and the performance of prescribed rites. In this older conception of conversion there was no denial of the duty of avoiding immorality and crime, but the "good life" was expected to follow the conversion to a "holy life" as a matter of magical necessity rather than as the fruits of experience and of the functional conditioning of ethical responses to normal and socially hygienic stimuli. In fact, it was entirely possible under this old magical interpretation of religion for a man (like David) to be very deeply tainted with vice and crime and yet to be a man "after God's own heart." Some of the older and more orthodox or magical religions still look tolerantly upon this view and do not find errors of the flesh wholly incompatible with righteousness of the spirit. From such a viewpoint holiness is merely a matter of magic, not of morals. This point of view is implicit in the following quotation from Baxter on the nature of conversion.[1]

The word conversion is sometimes taken actively for that act or work that converts us; and sometimes passively, for the change that is thereby wrought: as man is the subject, so is he also an agent in the actual turning of his own soul; so that God and man are both engaged in this work. The word in the text is active, and makes it the act of man, except ye "convert," or turn; but we translate it "be converted," because the word is used reciprocally in Scripture: in a word, God, as the principal cause, causes man's will to turn itself. So that conversion, taken actively, as it is the work of the Holy Ghost, is a work of the Spirit of Christ, by the doctrine of Christ, by which he effectually changes men's minds and heart and life from the creature to God in Christ: and conversion, as it is our work, is

[1] From Richard Baxter, *A Treatise on Conversion* (American Tract Society Edition, New York, 1857), pp. 23–24.

the work of man, wherein, by the effectual grace of the Holy Spirit, he turns his mind and heart and life from the creature to God in Christ. And conversion, as taken passively, is the sincere change of a man's mind, heart, and life from the creature to God in Christ, which is wrought by the Holy Spirit, through the doctrine of Christ, and by himself thus moved by the Holy Ghost.

Here you may see who is the cause of this conversion, and what are the means; what is the change wrought, and on whom; and from what, and to what. The principal cause is the Holy Spirit, who is the Sanctifier of the elect. The instrumental cause is the doctrine of Christ, read or heard, and brought by the Spirit to men's understandings and consideration. Man himself is the subject of the Spirit's operation, and the proper agent of these holy actions of believing and repenting which the Holy Spirit causes him to perform. It is not the Holy Spirit who believes, but he causes man to believe. That which we are turned from is, as to the object, the creature, which sinful man adheres to rather than to God; and as to the act, it is sin, that is, he ceases thus wickedly to adhere to the creature. That which man turns to is God, in and by Christ the Mediator. God has again the heart of a sinner, when he is converted, and God will be his happiness. His recovery, reward, and felicity consist in this.

Ethical Conversion. In an ethical religion, however, the process of conversion becomes an act of turning the back upon the old immoral deeds that characterize the socially sinful person — the vices, immoralities, and crimes; all of which are offenses against social morality — and facing resolutely in the direction of a new moral regimen in life. When this view of sin is reached, the relationship between men and the supernatural has become socialized in an ethical sense and sin is defined as a violation of good morals. Magic is now in the background, although it has not disappeared wholly from the scene. A representative modern view of conversion, emphasizing the ethical and social point of view, is as follows.[1]

The lives of some of the saints illustrate the conversion process. To the world St. Francis and St. Augustine, for example, were young men who were enjoying their fling at a life of dissipation and licentiousness. The world did not know the many bad half hours that their better natures were giving them which caused them in time to realize that ease and idleness and sensual indulgence were not what their being craved most. Their recoil from the old life carried them to the opposite extreme and they became ascetics. Conversion in general is a similar shift from a lower to what is thought to be a higher plane. The ego-centered life of narrow interests, and perhaps of vice and immorality, loses the day. The desire for a richer and fuller life sidetracked so long, after losing many battles wins the war and receives the right of way.

Our analysis of the great dominant interests in man should help to make the process leading up to this shift still clearer. The urge in man for expansion and growth; the urge to end his isolation by becoming a member of good society; and the urge to be true to what he conceives to be right — all play their part in the final victory. Man is so made that he cannot live the life of an animal as an animal lives it. His higher potentialities will not let him. Nor will they let him be satisfied

[1] From Charles Conant Josey, *The Psychology of Religion* (The Macmillan Co., New York, 1927), pp. 193–195. Reprinted with permission of the publishers.

with a life of narrow egoism, for they crave solidarity for him with his fellows. Nor will they give him any peace as long as he remains false to his ideals of good conduct. His present ideals may be superseded later by others still higher; but none the less he recognizes that his obligation and duty at present are to live according to them. No wonder then that great dissatisfaction, feelings of unrest, insecurity, and incompleteness characterize the preconversion stage.

All this helps to determine the measure of truth contained in the statement of the evangelist that there is no peace for the disturbed soul except that to be obtained from his acceptance of Jesus. Throughout Christendom Jesus is regarded as a personal epitome of all the ideal human values, of the way to God and to satisfactory relations with the universe. In accepting Him fidelity is avowed to the ideal values of the group and membership in good standing in it is applied for. In accepting Jesus an attitude of trust toward God or the universe is accepted that brings peace and a new feeling of security with it.

The Modern Religious View of Conversion. If this statement of the modern interpretation of conversion should be regarded as too secular in character, a similar interpretation may be taken from the writings of a professor in a theological seminary, who is also an ordained minister.[1]

Conversion is a step in the creation of a self — the actual coming-to-be of a self. The language of the parable of the Prodigal Son, "He came to himself," is scientifically accurate. In conversion the pronoun "my" acquires meaning that it did not have before; mere drifting, mere impulse, are checked; my conduct and attitudes attach to me more consciously; I stand out in a new way, judging myself and my world, and giving the loyalty of articulate purpose to the cause with which I identify myself. This achievement of a fresh self-realization is generally a permanent gain, not merely a momentary ebullition. From the testimony of Starbuck's respondents it appears "that the effect of conversion is to bring with it a changed attitude toward life which is fairly constant and permanent, although the feelings fluctuate.". . .

What the convert regards as coming to himself is at the same time a conscious adjustment to an objective order of a social or at least quasi-social sort. He finds his place in a system of duties; or he becomes more sensitive toward his fellows (early Buddhist literature offers an example); or he lays hold of a god who sympathizes with men; or, at least, he finds some law that seems to secure the possibility of a satisfactory destiny for both himself and his fellows. Thus his conversion consists in taking a human point of view for himself and his world; his self-realization is a realization of society. Starbuck holds that in the group studied by him the basal characteristic is a change from individualistic self-centeredness to a social center for the self. . . .

Underneath the attitudes toward one another that we designate as respect for human life, regard for the interests of others, and affectionate regard are certain ultimate tendencies, not only to take notice of other individuals, but also to take their pleasures and pains as our own. In the evolutionary order this kind of interest in others makes its first clear appearance in the relation of mother to child. . . .

[1] Adapted from George Albert Coe, *The Psychology of Religion* (The University of Chicago Press, 1916), pp. 171, 162–163. See also the similar treatment of the same subject by Horatio W. Dresser, *Outlines of the Psychology of Religion*, pp. 147–149; W. B. Selbie, *The Psychology of Religion*, pp. 188–189, and Sante de Sanctis, *Religious Conversion*, p. 38.

When we behold a helpless or suffering individual, especially one smaller or weaker than ourselves, we find ourselves spontaneously taking his point of view and desiring *with* him. This taking-the-other's-point-of-view-as-worth-while-for-us spreads outward from the parental relation until it becomes the broadly human principle of benevolence, respect for persons, and, finally, ideal justice. Now, the conversion experience includes, all in all, a movement in this direction. To come into communion with a god of love, for example, is to take for one's self the god's broadly human point of view.

The Decline of Punishment for Sin. So much for this somewhat lengthy account of the origin and development of moral considerations in punishment. At the point at which conversion comes to be an ethical regeneration and the desertion of the vices and crimes that are abhorrent to a socialized and moralized divinity, punishment as a supernatural agency disappears. Since the supernatural in such a religion is no longer interested in exploiting human beings (He is now all wise, all powerful, and all good, and therefore has no need of human help or adulation) he no longer has any use for punishment. The whole purpose of the supernatural in such a transformed situation comes to be the idealistic perfection and regeneration of men. Thus in the history of religion there is an evolution (1) from punishment by violence for purposes of exploitation, through (2) both human and divine punishment for prevention and correction, over finally (3) to the cessation of all punishment in favor of the idealistic reconstruction of the personality and character of the offender. Strangely enough something like this transformation of the theory of punishment from the magical to the practical ethical and thence to the idealistically ethical is also occurring in the theory of secular punishment. We now turn to trace this development and transition on the secular side.

Public Aspects of Punishment — Public Monopoly. Historically, society has exercised most control over the punitive act when applied to people behaving in public relations. To a considerable extent they have left the control of punishment in family, employer-employe, master and slave, supernatural-human, and other semi-private relationships largely to the control of custom and the mores. Only in fairly recent times has the state undertaken to regulate somewhat closely the administration of punishment in such types of relationships. We may turn now, therefore, to the history of the development of motives and methods of punishment in civil relationships in order to make clear the trends of punishment in general. First, then, we shall trace the evolution of punishment from the status of private retaliation to that of a public monopoly in the interest of the public welfare. On this subject Hobhouse may be quoted with profit.[1]

[1] Adapted from L. T. Hobhouse, *Morals in Evolution* (Chapman and Hall, London, 1906), I: 80–86.

The growth of law and justice is pretty closely connected in its several stages with the forms of social organization. . . . In some of the lower races there is, it would appear, scarcely anything that is strictly to be called the administration of justice. Private wrongs are revenged by private individuals, and any one whom they can get to help them. The neighbours interfere in the least possible degree, and how far a man's family, or the wider group to which he belongs, will stand by him, is a question which is decided in each particular case as its own merits, or the inclinations of those concerned, direct. But even at a very low stage this uncertain and fitful action begins to take more definite shape. We find something that corresponds roughly to our own administration of justice, and from the outset we find it in two broadly distinct cases. There are occasions upon which a whole community will turn upon an offender and expel him, or put him to death. Sometimes, indeed, this is merely a kind of lynch law directed against a man who makes himself unbearable, or commits some crime which touches a general feeling of resentment into life. But beyond this there are at almost, if not quite, the lowest stages certain actions which are resented as involving the community as a whole in misfortune and danger. These include, besides actual treason, conduct which brings upon the people the wrath of God, or of certain spirits, or which violates some mighty and mysterious taboo. The actions most frequently regarded in this light are certain breaches of the marriage laws and witchcraft. . . . The object of the community in exterminating the criminal is not so much to punish the wicked man as to protect itself from a danger, or purge itself from a curse. . . .

With the redress of wrongs, the maintenance of private rights, and the punishment of the bulk of ordinary offenses, it is different. For these purposes primitive society has no adequate organization. Administration of justice in this sense is in the main a private matter. It is for the sufferer to obtain redress or to revenge himself, and in the lowest stages of all the vengeance is . . . casual, arbitrary and unsystematized. But as the family and the clan acquire definite and coherent structure a systematic method of redress grows up.

The leading characteristics of this stage of development are two — (1) that redress is obtained by retaliation, and (2) that owing to the solidarity of the family the sufferer will find support in obtaining the redress that he seeks. The individual man, woman or child no longer stands by himself or herself, but can count with considerable certainty on the protection of his relatives, who are bound to avenge a wrong done to him, or to stand by him in exacting vengeance, by every tie of honour and religion. Thus vengeance develops into the blood feud. "He that sheddeth man's blood, by man shall his blood be shed," is the earliest law given in the Old Testament, and on this point the Old Testament may be said to be a faithful reflection of the historical facts.

Though the blood feud is an expression of vengeance, this vengeance is by no means wholly without regulations and rules of its own. There is a rough justice recognizable in its working, though it is not the justice of an impartial third person surveying the facts as a whole. There is no question of a just judge rendering each man his due, but rather of a united kin sympathizing with the resentment of an injured relation when expressing itself in certain traditional forms. Justice as we understand it — the rendering to each man his due as judged by an impartial authority — is not distinctly conceived as a social duty in primitive ethics, and that is what, morally speaking, differentiates the primitive ethical consciousness from the ethical consciousness at a higher stage of development. Yet primitive ethics works upon rules in which a certain measure of justice is embodied. Thus, in the first place, custom prescribes certain rules of retaliation which are

recognized as right and proper and have the approval of the neighbours and clansmen. . . .

But at a fairly early stage in the growth of social order a fresh principle is introduced tending to mitigate the blood feud and so maintain peace and harmony. For the special vice of the system of retaliation is that it provides no machinery for bringing the quarrel to an end. If one of the Bear totem is killed by a Hawk, the Hawk must be killed by one of the Bears, but it by no means follows that this will end the matter, for the Hawks may now stand by their murdered clansman and take the life of a second Bear in revenge, and so the game goes on, and we have a true course of vendetta. Accordingly, peaceable souls, with a view to the welfare of both families, perhaps with the broader view of happiness and harmony within the community, intervene with a suggestion of peace. Let the injured Bears take compensation in another form, let them take cattle or other things to make good the loss of the pair of hands which served them. In a word, let the payment of damages be a salve to vindictive feelings. In that way the incident may come to an end and peace will reign. When such a practice becomes a customary institution we enter upon the stage of composition for offences, a stage peculiarly characteristic of the settling down of barbarous tribes into a peaceable and relatively civilized state, and especially of the growth of the power of a chief whose influence is often exerted to enforce the expedient of composition upon a reluctant and revengeful family. As the institution takes shape a regular tariff is introduced, so much for an injury, so much for the loss of an eye, so much for a life. Often a distinction between classes of crime appears. For some it is the rule that composition should be accepted. Others are recognized as too grave to be washed out except by blood. . . .

Grades in the Development of Public Justice. As we have already suggested, there has been a similar, although a much less extensive, development in the direction of making punishment in domestic, religious, educational, and occupational, relationships a matter of public concern. State supervision has gone furthest in economic relations, but has also interfered very markedly in domestic, educational, and religious relationships. However, the evolution of public control over punishment in civil relationships has not been without its difficulties, as Hobhouse points out.[1]

With the evolution of social order, and in particular with the growth of central authority, the redress of wrongs begins to take the form of an independent and impartial administration of justice. . . . The blood feud proper is revenge guided and limited by custom. It is not justice. It is waged by two conflicting parties, and there is no impartial third party to judge between them. But even in barbaric society the blood feud does not rage wholly without check. The public opinion of the group is always a force to be reckoned with. Every man's rights and obligations are fixed by custom. . . . The headman or the elders of the clan or village are prepared to listen to complaints, to decide whether a wrong has been done, and, if so, what the reparation ought to be. . . . The "court," if so it may be called, appears at this stage rather as peacemaker than judge. The disputants may ignore it, preferring to trust to their own strength and that of their friends, yet it is from the first the avenger's interest to have public opinion with him. . . .

[1] Adapted from L. T. Hobhouse, *Morals in Evolution* (Chapman and Hall, London, 1906), I : 97–102, 123–133.

Such methods of mitigating the blood feud are stimulated by the growth of the kingly power — that is to say, of an organized force outside the contending families or clans, which can summon them before its bar, decide their cause, and require them to keep the peace. The king, whose duty and interest it is to maintain public order, treats crime — or certain kinds of crime — no longer as an offense against the individual whom it primarily affects, but as a menace to public tranquility, a breach of his "peace." This, if he is strong enough, he will punish directly; if not sufficiently strong, he will deprive the offender of his protection, put him outside the king's peace, and compel him by fine to buy back what he has lost. . . . From moral assistance the transition to physical assistance is not very difficult in idea, however slow and cumbersome it may have been in practice. There is more than one method of transition. Sometimes we find the public authority, the elders or the whole body of the neighbors, or later the regular magistrate, exerting themselves to arrest the offender and handing him over to the avenger of blood for execution, or judging between the avenger of blood and the man-slayer. . . . But without taking an active part in the pursuit and capture of the offender the court had an effective weapon in the power of outlawry. . . . Outlawry can . . . be applied either as a punishment or as a process — as a method of bringing the accused into court. . . .

But we are still a long way from a modern Court of Justice. The primary function of a court thus established is not so much to discover the merits of the case and make an equitable award, as to keep the peace and prevent the extension of wild and irregular blood feuds. What the court has to deal with is the fact that a feud exists. . . . Here we have the method of the blood feud, but regularized, limited, and transformed into the judicial duel. Again, the court might put one or both parties to the oath. . . . Sometimes blood vengeance is satisfied by submission to an ordeal of spear-throwing. . . . Another form of mitigated vengeance is the duel regulated by the tribe or group. . . . The "justice" of the chief is often of the same subsidiary kind; . . . The public authority as focussed in the chief is seen acting intermittently for the appeasement of strife by the well-known expedient of "composition." But in the background, as before, lies the blood feud. . . . So far, the judicial process has appeared merely as a regularization of the blood feud, but both the oath and the judicial combat (and also the act of "composition") point the way to a higher ideal. . . . Higher up in the scale we find numerous instances in which the function of the court is to enforce composition. . . .

The cases of public intervention, then, appear to fall into the following categories. . . .

(1) The punishment of offenses held to constitute a public danger.
(2) Public intervention in anticipation or mitigation of private redress.
(3) The maintenance of order by a chief [or king].
(4) Public justice independent of any of these conditions.

Cases of this last kind appear to be very rare in primitive society. . . .

We may conclude from our evidence that while domestic justice may flourish at very early stages, though its development, in fact, appears to be irregular, public justice in any wider sense appears to develop independently in relation to offenses which either on magical or political grounds are held to constitute a public danger; that in other relations it takes the form of an endeavor to adjust in a friendly manner disputes that will otherwise lead to a quarrel, and gains importance and coercive power, generally speaking, with the advance of society and the growing authority of the chief; that it is very rare in savage society for public justice to be found to the exclusion of vengeance, and that in the majority of cases where it is

alleged to be found, it depends on the authority of the chief. . . . Probably its growth is due as much to the extension of the conception of public offenses, as to the mitigation of the blood feud, and at a certain stage of advance the two ideas become blended together. But at the lowest stages the collective intervention is limited to a few acts held in horror, and conceived as dangerous to the common weal, while private rights are left to private protection, and neither public nor private vengeance regards the moral responsibility of the individual. It is the binding together of these three elements, the common good, private rights, and moral responsibility, which determines the rise of public justice.

Advantages of the Growth of Public Justice. When independent public justice under the patronage of the State finally arrives, there is a supplementary evolution of courts and of court procedure, aiming at the establishment of the supreme authority of the State in determining the penalty and the method of punishment. The ostensible object of the State in assuming control of the process of assessing guilt and punishment for violation of recognized civil relationships has been to secure a higher grade of justice than was obtainable under the old system of private and group vengeance and composition. That this object has been in large measure realized there can be no serious doubt. But, as Hobhouse shows in the following selection dealing with the evolution of court authority and procedure, much remains to be accomplished in this direction. Again we quote from Hobhouse's analysis.[1]

In the institution of compurgation we find the beginnings of a new conception, the conception that it is the duty of the court to try the case, to obtain proof of facts, to give its own verdict based on its own judgment, and execute its own sentence by its own officers, and which may take the initiative through its own officers. The steps by which this change is achieved belong in detail rather to the history of jurisprudence than to that of Comparative Ethics. Only certain broad features of the new phase concern us. Its primary condition is the fuller development and clearer expression of sentiments that are present from the first, but it is naturally stimulated and furthered by the formation of an effective organ of government. The elders or the petty chief of the village community hesitate to carry out a death sentence or inflict corporal punishment for fear of involving themselves in the blood feud. There must be an executive power with sufficient force behind it to raise its officer above the fear of revenge before a public system of justice, in the full sense, can arise. Hence the decay of blood revenge and the rise of public justice are frequently associated with the growth of kingly power. For example, in Europe in the early Middle Ages we have seen that certain offences were treated as breaches of the king's peace. This peace was a protection afforded in the first instance to certain places and times, but it was gradually extended, largely it would seem, through the king's protection of the roads — "the king's highway" — to all places and all times. Thus the act which had been a breach of the king's peace, punished by the withdrawal of his protection only when committed at certain times and places, now became an offence against him at all times and places. Its punish-

[1] From L. T. Hobhouse, *Morals in Evolution* (Chapman and Hall, London, 1906), I : 104–108.

ment was still outlawry. But as outlawry deprived a man of all rights, it enabled the king to inflict what penalty he chose. The criminal, in fact, was at his mercy: any penalty short of death with forfeiture of all goods would be an indulgence, and hence the Royal Courts could fix a scale of punishments at their pleasure.

With the growth of public justice the function of the courts is changed: they have no longer to supervise the feuds of hostile families, but to maintain public order, to detect and punish crime, and to uphold innocent people in their rights. This involves numerous changes. In the first place, self-help, the obtaining of satisfaction by the strong hand, is no longer necessary. The injured man can get a remedy from the court, and vengeance is forbidden. The victory is not immediate, and often the state has to come to some compromise with the old system. For example, vengeance may be allowed *in flagrante delicto*, or within a certain period after the offence. Where state justice is very weak, an asylum may be granted within which revenge must not be executed; in other cases where the process is further advanced and justice is getting the upper hand, revenge is allowed *only* with the consent of a court. Or, lastly, excluded from all ordinary cases, revenge is tolerated as a concession to human weakness in cases where strong passions are excited — for example, in breaches of the marriage to this day in many civilized countries. The transition was the harder because it involved a fundamental ethical change. From its beginning, as we have seen, social order rested on the readiness of every man to stand by his kinsmen in their quarrels. Hence the duty of avenging the injured kinsman, and therefore of loving one's neighbour in this sense and hating one's enemy, was the most sacred of primitive principles, bound up with everything that made a common life possible. Public justice bade men lay aside this principle, and its triumph constitutes one of the greatest of social revolutions.

But if the kindred be no longer allowed to avenge themselves, the corresponding right of the offender to make peace with the kin is also withdrawn. A crime is now a public affair, and in varying degrees according to time and country the public authority takes upon itself the function of maintaining order and of discovering as well as punishing offenders. The trial ceases to be a milder form of the blood feud. The complainant no longer exposes himself to equal punishment by way of retaliation in case he loses his suit. What was previously accusation now becomes denunciation. Again, though the injured party may set the whole process in motion, the result will differ vitally according to the nature of the act of which he complains. Justice, having public interests in view, will count not only the magnitude of the injury suffered, but the degree of culpability in the man who inflicted it. Vengeance, the object of the older process, breaks up into the two distinct ideas of punishment inflicted by the judge, and restitution assigned to the complainant. Civil and Criminal justice are distinct.

From Magic to Logic in the Courts. But it was not enough to give the public, or the state, the exclusive power to hold trials and assess guilt and penalties in order to secure justice. It was also necessary to secure a logical and scientific method of determining guilt and innocence. The old methods of trial by ordeal of battle and other similar devices used by the primitives, and even by the European courts until the close of the Middle Ages, were grounded essentially in magic. They did not necessarily procure justice, although they may have seemed to do so in an age when it was difficult, with the

crude methods at their disposal, to determine the merits of a case. It has, of course, been necessary to change the methods of court procedure in the direction of greater accuracy and dependability. Much progress has been made in this direction, as the following selection from Hobhouse shows, but the courts still fall far short of perfection in this direction. By far the weakest point in our system of justice is now the semibarbarous system of procedure which has largely survived from the past. More evidence on this point will be submitted in the chapter on Reform. Let Hobhouse briefly summarize the situation for the present.[1]

Once become serious in its determination to investigate the case before giving sentence, public justice could not long be satisfied with the older supernatural machinery. In mediaeval Europe it was early a matter of remark that the battle was not aways to the just. . . .

It was therefore a great step in advance when ordeals, which had been adopted by the Church after the barbarian invasions, were condemned by the Lateran Council of 1215. As a consequence they disappear in England after the reign of John, while the oath of compurgators is gradually converted into evidence as to character. The ordeal by battle remained, but an alternative was offered in the form of a judicial inquiry with witnesses and evidence. . . . But even-handed justice is not reached at one stride. The public authority, having once taken up the function of repressing crime, are more bent on efficiency in the maintenance of order than on nice considerations of justice to individuals. Their tendency is to treat the accused man as guilty, and means of proving his innocence are somewhat grudgingly meted out to him as privileges rather than as rights, while deficiencies of evidence are boldly supplemented by the use of torture. In English law, indeed, torture (except in the case of the *peine forte et dure*) never seems to have been fully recognized: if used by the absolute monarchy it was as a political instrument rather than as part of the ordinary machinery of law. On the Continent, on the other hand, owing partly, perhaps, to a stricter theory of the amount of evidence necessary for proof, partly to the fact that the authorities were more determined to suppress crime than to protect individuals from the possibility of undeserved suffering, torture became a recognized method of supplementing defective evidence. The judicial conscience was easier if it extorted a confession from a man before condemning him, than if it acted solely on evidence undistorted by physical suffering. Even where torture was not allowed the accused was not always put on a level with the prosecution as to the right of giving evidence, calling witnesses and employing counsel. It is not until all these conditions are fulfilled that a Court of Justice can be said to come up to the ideal of a place in which the full merits of the case are investigated before a verdict is given.

Even *now* it must be remarked that an English trial preserves much of the form of the old judicial combat. Its method of obtaining a verdict is still that of pitting attack and defence against one another. It may be that this is the best method of obtaining truth where human interests and passions are at stake, and that the advocate must always retain a place beside the judge: but what seems clear is that the power of the purse in retaining the best legal skill is a make-weight, especially in civil cases, of no slight practical importance; and it is possible that our descend-

[1] From L. T. Hobhouse, *Morals in Evolution* (Chapman and Hall, London, 1906), I : 108–111.

ants will look back upon a system which allowed wealth to count for so much before what should be an absolutely impartial tribunal, as not differing so much as we should like to think from the old ordeal by battle. The fight with the purse is not the ideal substitute for the fight with the person.

From Punishment to Rehabilitation. The story of the development of methods of punishment is a long and an uninviting one. But very clearly the trend has on the whole been away from unnecessary harshness and brutality toward humaneness, and too often even toward laxity and uncertainty. For there is a very great distinction to be drawn between laxity and humaneness. To be effective as a social control, punishment should not only be just and humane and functionally well adapted to its object, but it should also be certain and firm within these limits. Another significant trend in the evolution of punishment is away from the motive of revenge to that of the restoration of the offender to society, and even toward an emphasis upon the prevention of delinquency. Again we appeal to Hobhouse for a clear statement of these trends.[1]

As society becomes more confident in its power to maintain order, the cruelty and callousness that are born of fear are seen in a new light. More humane influences make themselves felt, and from that moment excessive severity begins to militate against the proper execution of the law, especially under a jury system like ours. With the advance of civil and religious liberty, political or ecclesiastical offences grow rare, and a breach of the law becomes more and more synonymous with a grave moral offence against society. The whole problem of criminal justice is thus transferred to the ethical plane, but the change raises problems which a century has been too short a time to solve. The general right to punish may be derived from the right of society to protect itself. This principle taken by itself might be held to justify the barbarities of the old law, had not experience shown that extreme severity was not in reality an effective instrument of discipline, while it undoubtedly tended to harden manners and accustom people to witness suffering with indifference. Its dealings with the criminal mark, one may say, the zero point in the scale of treatment which society conceives to be the due of its various members. If we raise this point we raise the standard all along the scale. The pauper may justly expect something better than the criminal, the self-supporting poor man or woman than the pauper. Thus, if it is the aim of good civilization to raise the general standard of life, this is a tendency which a savage criminal law will hinder and a humane one assist.

Moreover, the old rigour, so far as it rested on reason at all, was based on a very crude psychology. People are not deterred from murder by the sight of the murderer dangling from a gibbet. On the contrary, what there is in them of lust for blood is tickled and excited, their sensuality or ferocity is aroused, and the counteracting impulses, the aversion to bloodshed, the compunction for suffering, are arrested. Fear, on which the principle of severity wholly relies, is a master motive only with the weak, and only while it is very present. As soon as there is a chance of escaping detection it evaporates, and, it would seem, the more completely in proportion as

[1] From L. T. Hobhouse, *Morals in Evolution* (Chapman and Hall, London, 1906), I : 111–119.

the very magnitude of the penalty makes it difficult for a man really to imagine *himself* as the central figure in so terrible a drama. Finally, the infliction of heavy penalties for secondary crimes may induce a reckless despair, and the saying about the sheep and the lamb was but too apt a comment on the working of the criminal law at the time.

Thus the first step of reform was to abolish the ferocious penalties of the old law. In this direction a long list of well-known and honoured names — Beccaria, Howard, Bentham, Romilly, Fowell Buxton, Elizabeth Fry — indicate roughly the intellectual and moral influences at work. The Society of Friends, French Rationalists, English Utilitarians and the Evangelicals played their part in this, as in so many of the changes that have made the modern world. The movement was under weigh by the second third of the eighteenth century. Beccaria's book was published in 1764 and had an immediate success, bearing early fruit in the abolition of torture on the Continent. Branding was abolished in England in 1779. Capital punishment had been abolished for a time in Russia in 1753, and the purchase of prisoners as galley-slaves was forbidden by Maria Theresa in 1762. In England the *peine fort et dure* was abolished in 1772, and in 1770 a House of Commons Committee even reported that there were some offences for which the death penalty might with advantage be exchanged for some other punishment. These few indications show that the tide was beginning to turn. In France the movement was hastened by the Revolution. The Declaration of Rights in 1789 laid down the controlling principle of the modern theory that "the right to punish is limited by the law of necessity," and this was supplemented in 1791 by the declaration of the Assembly that "penalties should be proportioned to the crimes for which they are inflicted, and that they are intended not merely to punish, but to reform the culprit." In accordance with this principle the Assembly made imprisonment the chief method of punishment, and founded the penitentiary system of France. In England the great re-action produced by the Revolution retarded the reform of the criminal law, but throughout the time of the Revolutionary Wars men like Romilly fought an uphill fight. He succeeded in suppressing the death penalty for pocket-picking in 1808, but his subsequent efforts to abolish capital punishment for stealing goods of the value of five shillings from shops were frustrated by the House of Lords. Little progress, in fact, was made till 1832, when horse and sheep stealing ceased to be capital, and from this time onwards the list of capital offences was steadily reduced, till in 1861 murder was, for all practical purposes, the only one that remained.

Meanwhile, as substitutes for the old savagery, there grew up first the transportation and then the penitentiary system. Regarded as a means of giving the offender a fresh start in life in new surroundings remote from his old bad associates and the memory of his crimes, transportation has much to recommend it, but it was clearly incompatible with colonial development. It was necessary to fall back on the prison system, and the efforts of reformers have been devoted to the task of making confinement — a thing soul-destructive in itself — as nearly compatible as may be with the regeneration of the prisoner. These efforts have hardly passed the experimental stage, yet certain results have emerged. The necessity for a classification which prevents the first offender from being contaminated by the hardened gaol-bird, the benefits of action and practical employment, the superiority of hope to fear as a stimulus to good conduct and the consequent advantages to be found in allowing the convict means of improving his position and even of shortening his sentence by good behaviour, are matters of general agreement. But it is clearly necessary to go further than this. The plan of imprisoning a man for a

longer or shorter term, and then, without asking what effect his experience is likely to have had on him, turning him loose again upon society, a broken human being less capable than ever of earning an honest living, cannot stand. The old way of hanging at least rid society of the criminal. It stood condemned for its utter barbarity, which was indirectly as harmful to society as it was cruel to the sufferer. The modern method is still a terrible penalty, at least to the better sort of criminals, and, far from relieving society of their presence, tends to harden and degrade them further. Hence judicious thinkers like Frederick Hill, in his report of 1839, soon recognized that a more thorough system was required. The offender must be reformed, and at need he must even be detained until he has given good promise of reformation, and society must help him back into honest ways. The most thoroughgoing attempt in this direction is that of the Elmira system, followed now in several American states, in which, the sentence being wholly or within limits indeterminate, the fate of the convict depends on his own exertions. He can raise himself from a lower to a higher grade by continued good behaviour, and finally, can obtain liberation on parole.

Whatever the outcome of these experiments, the modern state stands committed to the humane method of criminal treatment, and could not revert to the old plan save at the risk of a general rebarbarization. That being so, it is necessary to push the new method through and to treat the criminal throughout as a "case" to be understood and cured. We touch here the scientific conception underlying the modern theory of punishment. Crime, like everything else that men do or suffer, is the outcome of definite conditions. These conditions may be psychological or physical, personal or social. They arise in the character of the agent as it has grown up in him from birth in interaction with the circumstances of his life. We may recognize them in social surroundings, in overcrowding or underfeeding, in the sense of despair produced by the denial of justice, or in the over-weening insolence of social superiority. But whatever they may be, if we wish to prevent crime, we must discover the conditions operating to produce crime and act upon them. This does not destroy, but defines, personal responsibility. The last link in the chain of causation which produces any act is always the disposition of the agent at the time of action, and unless dominated by ungovernable impulse, this disposition is always modifiable by the introduction of a fresh motive as a weight in the scale. But though not destroyed, responsibility is transformed by science, and with it the whole conception of punishment. . . .

Justice, in punishment as in other things, seeks the good of all whom it affects, of the criminal as of the injured party.

Reformation of the Offender. Much has been written about the problem of the reformation of the offender. This is a very complex problem and involves a great many individual procedures and social adjustments, most of which are not punitive but constructive in character. This subject will be discussed in the chapter on social reform. However, it seems wise to present here a brief, compact statement of this question, in the words of one of the clearest recent thinkers on the subject, Harry Elmer Barnes.[1]

[1] Harry Elmer Barnes, *The Repression of Crime* (George H. Doran Co., New York, 1926), pp. 375–377.

Unless we are willing to hold in segregation until their death all convicted criminals irrespective of the offence which they have committed, we must either see to it that the convicted criminal is upon his release less inclined towards crime than when committed, or we must admit the entire system of criminal repression to be in a high degree a failure. Our present institutions obviously fail to achieve this result of reforming the criminal. Instead of reforming criminals, they are in reality institutions for the training of more efficient and determined criminals. The hierarchy of penal institutions greatly resembles the hierarchy in our school system. The typical criminal gets his elementary schooling in crime in a juvenile reform school, takes his collegiate degree in a reformatory, and perfects his post-graduate work in a state prison under the direction and in the seminars of the most efficient and experienced teachers.

We would suggest the following reforms in our correctional and penal institutions. In the first place, these correctional institutions should be regarded as primarily places for such treatment of the criminal types as will return them to society both determined and equipped to lead a law-abiding existence. The jails should be entirely places of detention and in no sense institutions for the reception of convicted criminals. There should be no promiscuous association of accused first offenders and veteran convicts. Those convicted of petty offences should, as far as possible, be kept out of penal institutions and handled through fines, probation, psychiatric clinics and social guidance. This rule would apply to all except those potentially dangerous individuals, such as the mentally defective and abnormal, or hardened criminals, who happen to be apprehended for petty offences. Such types must, of course, be segregated and treated until cured or until death. Those convicted of more serious crimes should be sent to institutions where they will be properly examined, classified and subjected to appropriate treatment. The object should be the complete reformation of the reformable types, and the permanent segregation of the non-reformable, irrespective of the crime committed. This would prevent turning back into the city each month scores of hardened and skillful criminals whose prison sentence has only served to make them more determined to commit crime and more capable in the act. Provision should be made for a normal sex life on the part of inmates of penal institutions who are detained for a period of more than thirty days.

It is obvious that an institution designed to achieve reformation must be manned by non-political and trained experts, comparable to the staff of physicians and nurses in the best hospitals. Inasmuch as many, if not most, criminals are the victims of inadequate social training, there should be sufficient provision for social re-education in the fundamental principles of social responsibility, as taught by the system of rewards and punishments. Such an end may be achieved either by inmate self-government or some better method if it can be devised. As an important aspect of social re-education and administrative reform the practice should be adopted of finding the form of employment in prison best adapted to the qualifications and enthusiasm of the individual prisoner. For such labor wages should be paid on a scale fully equal to that paid outside the prison walls for comparable labor and skill, and from this the cost of maintenance should be deducted. The proceeds should be utilized to indemnify the party injured by the prisoner through his crime, as well as to support the dependents of the prisoner.

It should be recognized, however, that physical and mental health and a determination to lead a law-abiding existence will be of little consequence unless the individual is able to maintain himself through honest labor. Hence, those prisoners not possessing a trade or profession should be adequately trained before being given

their freedom. The unusual difficulties associated with securing employment which confront the released prisoner should be overcome by the provision of public and private agencies whose business it shall be to secure steady employment for the released prisoner. The problems of readjustment after release, together with desirable social protection against premature release, should be cared for by the development of a really efficient parole system, manned by well-trained and socially-minded experts, and controlling its activities between those extremes of carelessness and indifference, which characterize the present parole system, and that inquisitorial supervision which would paralyze the efforts of the individual in his determination upon reformation. If we can make penal and correctional institutions ever more efficient instruments of reformation or permanent segregation, we shall cut off one of the most important sources of the production of criminals, and render socially effective any improved type of criminal jurisprudence and criminal procedure.

The Ethical Trend in Punishment. In summary, it may be pointed out that the theory and practice of punishment have developed more or less steadily from an emphasis upon expiation and revenge in the direction of reform and prevention. The highest recognized ideal in the theory of punishment is now to make use of punitive measures only for reformative purposes; but this is not yet uniformly possible in practice, since our poorly controlled society now produces people so defective congenitally and so perverted socially and personally that they cannot be reformed in the present social order. For these the old repressive punishments or controls must still be used, but they need not be applied in a spirit of revenge.

The attitude of regarding the criminal or moral offender as a maladjusted, as almost a sick member of society, is now pretty well established, although court procedure and penal practice have not always been made to proceed on the basis of this assumption. Society must of course protect itself against the exploitive attacks and inadvertences of those misfits whom society has itself produced. It must also protect the maladjusted individual against himself. Logically, perhaps, society should assume the blame and the responsibility for all the moral and intellectual misfits it produces, but the best method of taking this responsibility that it has as yet worked out in its present stage of inadequate moral evolution is to hold the maladjusted individual himself responsible. Ultimately society may learn to work preventively in dealing with its misfits, and even now it has made some progress in this direction. Another evidence of general ethical advance in dealing punitively with the maladjusted is the fact that we now recognize that some, not too many, acts that are classified and punished as criminal by the legal system may be in a high degree moral. Such acts — some of which are to be classified as political disobedience against tyranny or corruption and others (formerly) as heresy against

a stultified religion — may be acts of protest by persons of superior moral insight against a social system of low ethical achievement.

Progress has also been made in the theory and practice and control of punishment in the family, the church, the school, industry, and in other aspects of life. But there is still much to be done in the improvement of both the techniques and the objectives of social control through punishment. Among other things is the problem of rendering surviving punishment constructive and reformatory while in general the trend is in the direction of its abolition in many of its previous forms and applications.

STUDENT EXERCISES

1. If de Laguna is correct in supposing that the motivation to punishment did not spring from moral resentment, from what did it arise?

2. What evidence was brought out in immediately preceding chapters to support this view?

3. Is it conceivable that moral resentment may have followed this other motivation if it was not the original motivation?

4. What evidence do you find in the cases quoted from Hobhouse that a sense of moral responsibility grows out of the individual's obligation not to offend the gods and thus bring their wrath down upon the group as a whole?

5. Does any of this old feeling of group or corporate responsibility survive in the modern fear of punishment in the hereafter, or is it merely a fear of individual punishment rather than of the group as a whole for the sins of individuals?

6. To what extent is the fear of punishment in the hereafter a moral social control? If not a moral control, what sort of control is it?

7. What kind of people can be controlled by this fear? What two types of people are controlled primarily by it?

8. What current religious doctrine regarding responsibility for sin is similar to that of transfer of guilt described by Hobhouse?

9. Shailer Mathews' *The Atonement and the Social Process* may be used as a source for the evolution of the theory of the atonement.

10. Contrast the old with the new view of conversion. Baxter's *Treatise on Conversion* will provide a source for some interesting reports on the old view. The students themselves can state the new view, or reports may be made with advantage on modern treatments of the whole subject of conversion from Sante de Sanctis, *Religious Conversion;* G. A. Coe, *The Psychology of Religion*, Ch. X; Horatio W. Dresser, *Outlines on the Psychology of Religion*, Ch. X; F. C. Flower, *An Approach to the Psychology of Religion*, Ch. VI; C. C. Josey, *The Psychology of Religion*, Ch. VIII; W. B. Selbie, *The Psychology of Religion*, Ch. X; F. L. Strickland, *Psychology of Religious Experience*, Ch. VI.

11. Using Harry Elmer Barnes' *The Repression of Crime* and *The Story of Punishment*, prepare a report on the use of prison labor for reformatory purposes.

12. Using P. A. Parsons' *Crime and the Criminal*, especially pp. 368–378, prepare a report on methods of preventing crime.

13. Using Flexner and Baldwin's *Juvenile Courts and Probation*, and T. D. Eliot's *The Juvenile Court and the Community*, prepare a report showing the sub-

stitution of other methods for those of punishment in dealing with juvenile delinquents.

14. Prepare a report on the reformatory treatment of prisoners. (Z. R. Brockway's *Fifty-two Years of Prison Service* may be used as a basis for this report.)

15. Prepare reports on the methods described in W. R. George's *The Junior Republic*, T. M. Osborne's *Society and Its Prisons*, and F. Tannenbaum's *Wall Shadows*.

16. What were the advantages of transferring responsibility for punishment for violations of civic relations from individuals to the state?

17. What were the good and the bad points of kinship responsibility in punishment?

18. What forms did this kinship responsibility in punishment assume?

19. What were the main steps in the development of court procedure as described by Hobhouse?

20. In the development of punitive forms?

21. What further reforms in criminal procedure are now urgently needed?

22. What further reforms are demanded in the treatment of prisoners? (For data on these last two questions consult any standard work on criminology or specialized treatises on the subjects indicated.)

23. Ray Madding McConnell's *Criminal Responsibility and Social Constraint* may be consulted for a report on moral responsibility for criminal behavior.

24. Sheldon and Eleanor Glueck's excellent collection of materials entitled *Preventing Crime* may be used as the basis of a number of reports on programs for the prevention of crime by means of character building and recreational and other substitutes for anti-social behavior.

25. Chapter I of the same work may be assigned to advantage as a required reading on the same subject.

26. Another good reading on the constructive treatment of the offender may be found in Harry Elmer Barnes, *Battling the Crime Wave*, pp. 28–39.

27. Christopher Rollman, in "Keep Your Convicts" (*Forum and Century*, Feb., 1937, pp. 102–105) has a very pointed statement of the effect of present prison practice upon the prisoner and some suggestions for overcoming this effect.

28. Lewis E. Lawes gives his opinion, after years of successfully dealing with prisoners, as to how the parole system could be made to work toward the regeneration of the prisoner. See *Harper's Magazine*, May, 1938, pp. 645–651.

Chapter XIX

SOCIAL CONTROL BY MEANS OF CUSTOM AND LAW

Early Man without the Idea of Law. Already, in the preceding chapter, we have had some opportunity to see how law evolved out of custom and conflicting interests as a means to social order and effective social control. The idea of law was quite foreign to the earliest people of whom we have any account. In the chapter on supernaturalistic controls we caught a glimpse of the very insecure and chaotic social world in which primitive man lived. It was a world of chance, and at best one in which man was subjected to the whims and passions of the spirits and of the gods. Anything might happen, according to his way of thinking, just as anything and everything did happen, according to his method of observation and of judging. The sun might stand still to accommodate a tribal chieftain, or it might refuse to reappear after it had descended beyond the bounds of the land of night. Evil spirits and sorcerers might bring dreadful epidemics or drouths that would cause the people to perish from famine. Being without cumulative experience translated into knowledge, men had no way of predicting adequately the future and of preparing for its events. Only when the more advanced peoples approached something like monotheism, with supernatural power concentrated in a fairly just and friendly god, did they come to have a moderately marked feeling of security about their personal and collective existence. Indeed, as we have seen, the ancient Hebrews, among others, sought to insure their future by means of a contract or covenant which pledged Jahweh or Jehovah to look after their welfare as long as they were properly considerate of his; and so strong was their feeling of insecurity even then that when invasion, famine, pestilence, or other ills fell upon them they believed it was because they had not kept their side of the bargain. Even John Wesley thought that earthquakes were punishments from God imposed upon mankind because of their sins. Men endeavored through magic, bribes, sacrifices, peace offerings, prayers, and other personal appeals to the supernatural to obtain security and to avert the whimsical or righteous wrath of the gods. This obsessive fear of insecurity that everywhere oppressed primitive man was due to the fact that he had no adequate knowledge of the processes of nature.

He saw only a world of personal relationships emotionally controlled by beings more powerful than he. Without the concept of regularity in nature he could have no adequate sense of security.

Early Custom and Contract Bring Sense of Security. As long as the relationship between man and the supernatural powers was one of magic there could be little sense of security. Although magic had developed, in part at least, in response to the need on the part of man for a better system of control over his present and future relations to nature and the supernatural, it had failed to bring any great degree of security. Nothing could be made completely secure by magic, for there was always some other magical process or formula, perhaps wielded by some greater magician or even by the supernatural itself, which could overcome the magic of any particular operator bent on securing results favorable to his own needs or desires. Magic dealt with personal relationships and these were as a consequence subject always to the whimsicality and the changes of mood that invariably characterize personal aims and attitudes.

But when an ethical, as distinguished from a magical, relationship finally grew up between men and their gods, the sanctity of custom and contract came in to reinforce the personal relationship. The very fact of an ethical relationship implied the existence of mutual good will. To know that the supernatural powers were friendly undoubtedly gave to early men a valuable sense of security. But the sanctions of custom and contract were even more reassuring. There was a sacredness about both of these controls among primitive men that is hard for modern peoples, so used to the fluidity and relativity of all human relationships, to realize. Custom and contract were the great anchorages of security for early man at about the time of the dawn of history and even down to the time of the Greeks. They were hedged round about with elaborate ceremonials and rituals in order that they might be the more impressive and obtain the respect of all men. They were man's only assurances of the continuance of the social order to which he was adapted, and the persistence of that order was necessary to him. In our time, we have accumulated such a large body of custom and tradition and so many other forms of social ballast, including law in its many forms, that we sometimes feel the need of accelerating social change. Furthermore, we have a better knowledge of how to guide change and can to some extent at least keep it within the channels which we call progress. But early man had but little control over change and he was not often able sufficiently to guide it for his own advantage. As a consequence, custom and contract as guarantees of order and security were exceedingly important to him. And that is why he conserved and protected them so assidu-

ously. They were his chief guarantees of safety and of the continuity of whatever prosperity he was able to command. It is not strange, therefore, that he connected them very closely with the friendly gods, whom he pictured as conservators of both custom and contract.

Antiquity as a Sanction of Custom. In the general sketch of the role of custom and contract which precedes we have emphasized the overwhelming importance attached by primitive peoples to custom as a social control. It was their chief guarantee to order and continuity in the social system. We also pointed out the fact that, in order to reinforce the power of custom as a social control, its origin was attributed to the supernatural. Bagehot gives us an interesting example of the survival of these attitudes among a people who have recently been brought into the current of modern civilization, but who had not at the time the following case was written yet been sufficiently affected by modern culture to abandon a theory and a practice which was no longer useful, but had become actually pathological and harmful through its survival into an age to which it was no longer adapted. Here, quite obviously, was a situation in which there was strong need for the revision of custom by law.[1]

Man might be described as a custom-making animal. . . . In whatever way a man has done anything once, he has a tendency to do it again: if he has done it several times he has a great tendency so to do it, and what is more, he has a great tendency to make others do it also. He transmits his formed customs to his children by example and by teaching. This is true now of human nature, and will always be true, no doubt. But what is peculiar in early societies is that over most of these customs there grows sooner or later a semi-supernatural sanction. The whole community is possessed with the idea that if the primal usages of the tribe be broken, harm unspeakable will happen in ways you cannot think of, and from sources you cannot imagine. As people now-a-days believe that "murder will out," and that a great crime will bring even an earthly punishment, so in early times people believed that for any breach of sacred custom certain retribution would happen. To this day many semi-civilised races have great difficulty in regarding any arrangement as binding and conclusive unless they can also manage to look at it as an inherited usage. Sir Henry Maine, in his last work, gives a most curious case. The English Government in India has in many cases made new and great works of irrigation, of which no ancient Indian Government ever thought; and it has generally left it to the native village community to say what share each man of the village should have in the water; and the village authorities have accordingly laid down a series of most minute rules about it. But the peculiarity is that in no case do these rules "purport to emanate from the personal authority of their author or authors, which rests on grounds of reason not on grounds of innocence and sanctity; nor do they assume to be dictated by a sense of equity; there is always, I am assured, a sort of fiction under which some customs as to the distribution of water are supposed to have emanated from a remote antiquity, although, in fact, no such artificial supply had ever been so much as thought of." So difficult does this ancient race — like, probably, in this

[1] Adapted from Walter Bagehot, *Physics and Politics*, 1873, pp. 141–143.

respect so much of the ancient world — find it to imagine a rule which is obligatory, but not traditional.

The Value and Danger of Custom as a Control. Custom is, therefore, like a two-edged sword. It preserves the useful adjustments of the past, while at the same time it hinders the progress of the future. Another selection from Bagehot brings out this dual and antagonistic function of custom very clearly. Nothing less set and hardened than the cake of custom could hold the primitive social systems definitely in place. Life itself and every other important adjustment of men to their environment among primitive peoples depends on this rigidity or fixity of control. As yet there are no other controls, such as law based on human reason or a system of social science based on experience and investigation, to indicate to people what should be the individual and collective conduct. Furthermore, there is no rational system of ethics to enforce the controls of law and social science, even if these latter existed. The only ethics that exists is traditional and the only control apart from brute force, motivated by early man's bare appetites and passions, is custom. So custom is the enforcer of all that is good in the primitive social system. But it also becomes the barrier to all that might be better. Thus custom, the preserver of the good civilization achieved, becomes in time one of the chief enemies of the better civilization that is to come. That is why custom must give way in time to law and to a rational ethics and finally to a social science based on investigation and enforced by law and ethics. We turn to Bagehot for illustrations of this point of view.[1]

The peculiarity of arrested civilization is to kill out varieties at birth almost; that is, in early childhood, and before they can develop. The fixed custom which public opinion alone tolerates is imposed on all minds, whether it suits them or not. In that case the community feel that this custom is the only shelter from bare tyranny, and the only security for what they value. Most Oriental communities live on land which in theory is the property of a despotic sovereign, and neither they nor their families could have the elements of decent existence unless they held the land upon some sort of fixed terms. Land in that state of society is (for all but a petty skilled minority) a necessary of life, and all the unincreasable land being occupied, a man who is turned out of his holding is turned out of this world, and must die. And our notion of written leases is as out of place in a world without writing and without reading as a House of Commons among Andaman Islanders. Only one check, one sole shield for life and good, is then possible — usage. And it is but too plain how in such places and periods men cling to customs because customs alone stand between them and starvation. . . .

At first sight it seems impossible to imagine what conceivable function such awful religions (as that of the Aztecs) can perform in the economy of the world. And no one can fully explain them. But one use they assuredly had: they fixed the yoke of custom thoroughly on mankind. They were the prime agents of the era. They put

[1] Adapted from Walter Bagehot, *Physics and Politics*, 1873, pp. 54–57.

upon a fixed law a sanction so fearful that no one could dream of not conforming to it.

No one will ever comprehend the arrested civilizations unless he sees the strict dilemma of early society. Either men had no law at all, and lived in confused tribes, hardly hanging together, or they had to obtain a fixed law by processes of incredible difficulty. Those who surmounted that difficulty soon destroyed all those that lay in their way who did not. And then they themselves were caught in their own yoke. The customary discipline, which could only be imposed on any early men by terrible sanctions, continued with those sanctions, and killed out of the whole society the propensities to variation which are the principles of progress.

The Seeming Naturalness of Convention. Custom viewed from the standpoint of the present is convention. Behavior or practice looked at as a survival from the past is called custom. In the preceding cases the emphasis has been upon past origins of current practices, because the people who appealed to custom sought for it the sanction of antiquity, as well as that of the approval of the gods. Thus whatever was both old and "revealed" or "commanded" by the gods must be right. But conventions, whether viewed as customs descending from the past or merely regarded as current and accepted practices rooted in the present, are also in most cases powerful controls. Outstanding examples of conventions are, of course, fads, fashions, and crazes. But not even these more extreme forms of conventions are necessary to lend weight to current beliefs and practices as conventional social controls. However, the control power of convention, as well as that of custom, is no longer as effective as it once was. Men are becoming more rational, because modern education is teaching them in some measure to think for themselves and modern science is giving them the materials with which to do their thinking.[1]

We come into the world with minds ready to receive any impression. To the eyes of infancy all is new, and one thing is no more wonderful than another. In whatever lies beyond common experience we assume the beliefs of those about us, and it is only the strongest intellects that can in a little raise themselves above the accepted opinions of their times. In a community where that opinion prevailed, the vast majority of us would as unhesitatingly believe that the earth is a plain, supported by a gigantic elephant, as we now believe it a sphere circling round the sun. No theory is too false, no fable too absurd, no superstition too degrading for acceptance when it has become imbedded in common belief. Men will submit themselves to tortures and to death, mothers will immolate their children, at the bidding of beliefs they thus accept. What more unnatural than polygamy? Yet see how long and how widely polygamy has existed!

In this tendency to accept what we find, to believe what we are told, is at once good and evil. It is this which makes social advance possible; it is this which makes it so slow and painful. Each generation thus obtains without effort the hard-won knowledge bequeathed to it; it is thus, also, enslaved by errors and perversions which it in the same way receives.

[1] Adapted from Henry George, *Social Problems*, 1883, pp. 50–53.

It is thus that tyranny is maintained and superstition perpetuated. Polygamy is unnatural. Obvious facts of universal experience prove this. The uniform proportion in which the sexes are brought into the world; the exclusiveness of the feeling with which in healthy conditions they attract each other; the necessities imposed by the slow growth and development of children, point to the union of one man with one woman as the intent of Nature. Yet, although it is repugnant to the most obvious facts and to the strongest instincts, polygamy seems a perfectly natural thing to those educated in a society where it has become an accepted institution, and it is only by long effort and much struggling that this idea can be eradicated. So with slavery. Even to such minds as those of Plato and Aristotle, to own a man seemed as natural as to own a horse. Even in this nineteenth century and in this "land of liberty," how long has it been since those who denied the right of property in human flesh and blood were denounced as "communists," as "infidels," as "incendiaries," bent on uprooting social order and destroying all property rights. So with monarchy, so with aristocracy, so with many other things as unnatural that are still unquestioningly accepted. Can anything be more unnatural — that is to say, more repugnant to right reason and to the facts and laws of nature — than that those who work least should get most of the things that work produces? "He that will not work, neither shall he eat." That is not merely the word of the Apostle; it is the obvious law of Nature. Yet all over the world, hard and poor is the fare of the toiling masses; while those who aid production neither with hand nor head live luxuriously and fare sumptuously. This we have been used to, and it has therefore seemed to us natural, just as polygamy, slavery, aristocracy and monarchy seem natural to those accustomed to them.

But mental habits which made this state of things seem natural are breaking up; superstitions which prevented its being questioned are melting away. The revelations of physical science, the increased knowledge of other times and other peoples, the extension of education, emigration, travel, the rise of the critical spirit and the changes in old methods everywhere going on, are destroying beliefs which made the masses of men content with the position of hewers of wood and drawers of water, are softening manners and widening sympathies, are extending the idea of human equality and brotherhood.

How Convention and Custom Work against Democracy. Even where the definite interests of the people are interfered with by custom and convention, these controls are very slow to yield to enlightenment and social revision. Men continue to be victimized by superstitions and exploitive religions, often without a murmur or even, apparently, without a suspicion that they are being exploited. In a similar manner they accept economic, political, and legal systems and institutions with almost as little question as to their validity. Although illustrative cases are numerous, we have room for only one brief example here.[1]

According to immemorial use, as well as theory, power belongs to privileged classes, with, incumbent on them, the corresponding duty of caring for the people. Such is tradition; and when in the Old World they marvel at the license of the New, it is under the influence of a habit of thought which traces itself to times when

[1] Adapted from Charles Ingersoll, *Fears for Democracy*, 1875, pp. 241–245.

liberal principles were unknown, and popular government impossible. Their ancestors think for them in Europe. Time leaves monuments behind it that are too much for the wit of man. These are the effects of a thousand years of history. There is no old country where the government is supposed to exist for the people; on the contrary, the people are supposed to exist for the government. Even in England, where they have a degree of respectability, and in France, where their title to it has been vindicated by successive revolutions, the people are thought to be usurpers; they are so regarded by the upper orders, they so look upon themselves.

The Subjective Appeal of Custom. Yet, as clear as we have made the fact that custom as a social control was of most value in those early ages before the rise of law and social science and that, except for incidental and supplementary purposes, it is now largely outmoded, it has still a strong appeal for certain types of minds. These are usually what we call the ultra conservative personalities, or those who have more or less of a stereotyped fear of social change. Such persons perhaps have been shocked by too close contact with a ruthless reorganization of society; or, possibly, they lack the vitality with which to cope with constantly recurring demands upon them for readjustment to new situations. Possibly also they have formed an emotional and aesthetic attachment for classical culture and for the institutions generally of the past. Whatever the explanation of this attitude it is not unknown even in our time and formerly it was perhaps even more common than it is now. The following passage from Goldsmith will serve to illustrate the attitude.[1]

Custom, or the traditional observance of the practice of their forefathers, was what directed the Romans, as well in their public as private determinations. . . . In those times of the empire, in which the people retained their liberty, they were governed by custom; when they sunk into oppression and tyranny, they were restrained by new laws, and the laws of tradition abolished. . . .

Custom partakes of the nature of parental injunction; it is kept by the people themselves, and observed with a willing obedience. The observance of it must, therefore, be a mark of freedom, and coming originally to a state from the reverenced founders of its liberty, will be an encouragement and assistance to it in the defence of that blessing; but a conquered people, a nation of slaves, must pretend to none of this freedom, or these happy distinctions; having, by degeneracy, lost all right to their brave forefathers' free institutions, their masters will in policy take the forfeiture; and the fixing a conquest must be done by giving laws, which may every moment serve to remind the people enslaved of their conquerors. . . .

The wisdom of the Roman republic, in their veneration for custom, and backwardness to introduce a new law, was perhaps the cause of their long continuance, and of the virtues of which they have set the world so many examples. But, to show in what that wisdom consists, it may be proper to observe, that the benefit of new-written laws is merely confined to the consequences of their observance; but customary laws, keeping up a veneration for the founders, engage men in the imitation of their virtues as well as policy. To this may be ascribed the religious regard the

[1] Adapted from *Goldsmith's Works* (Prior's edition), I : 133–135.

Romans paid to their forefathers' memory, and their adhering for so many ages to the practice of the same virtues; which nothing contributed more to efface, than the introduction of a voluminous body of new laws over the neck of venerable custom.

The simplicity, conciseness, and antiquity of custom gives an air of majesty and immutability that inspires awe and veneration; but new laws are too apt to be voluminous, perplexed, and indeterminate; whence must necessarily arise neglect, contempt, and ignorance. . . .

Those laws which preserve to themselves the greatest love and observance, must needs be best; but custom, as it executes itself, must be necessarily superior to written laws in this respect, which are to be executed by another. Thus, nothing can be more certain than that numerous written laws are a sign of a degenerate community, and are frequently not the consequences of vicious morals in a state, but the causes.

Hence we see how much greater benefit it would be to the state rather to abridge than increase its laws. We every day find them increasing; acts and reports, which may be termed the acts of judges, are every day becoming more voluminous, and loading the subject with new penalties. Laws ever increase in number and severity, until they at length are strained so tight as to break themselves. Such was the case of the latter empire, whose laws were at length become so strict, that the barbarous invaders did not bring servitude but liberty.

Custom and Convention *vs.* Freedom. One of the central problems in social control in our day is as to the proper limits of the application of custom and convention in constraint of individual liberty. As we have seen, early peoples were more custom bound and conventionalized than modern, because in the absence of scientific standards of social control they were forced to resort to regimentation of conduct through these social devices in order to secure that degree of stability and unity necessary to their welfare. Many persons in our time are restive under these controls and wish to be free to do as they please regardless of the custom and conventionality of other people, and also frequently regardless of the findings of science with respect to such conduct. In fact, it would seem that most of the rebels against custom and convention are equally impatient with the requirements of social and other science. They merely wish to do as they please. If they were willing to be guided by science in their repudiation of custom and convention they would have a good argument on their side, but without such a support they fall into the class of pure individualists, whom society cannot tolerate, because of their disregard of and infringement upon the rights of others.

But much of the revolt against custom and convention is really no more than the attempt of people to substitute one set of conventions that are agreeable to them for other conventions and customs that are disagreeable, and scientific standards are disregarded in this attempt. Since customs and conventions differ in different groups and communities such an attempt often results in severe conflicts of customs

and conventions. Such conflicts are familiar to every one and may be recognized easily with a little practice in sociological analysis of the mores. An excellent example for study is referred to in exercise 41 at the end of this chapter.

The Advent of Law as a Guarantee of Security. Perhaps enough has been said about the function of customs and its derivatives to indicate their importance as social controls. The service of custom to primitive society was indeed great in that it gave stability and security when there was no other social control adequate to this purpose. But custom is too little intelligent and flexible to function to the best interests of modern society as a social control where other more intellectual and more highly analytical and adaptable controls are available. It cannot be denied that custom is itself an ethical control, but the ethical sanction back of custom is no more advanced or enlightened than that of usage. It became necessary, therefore, in the course of social evolution to find a more rational and discriminating social control. This was law. Law is at first but custom grown conscious among a people. The custom exists before it is objectivated in the form of a verbal statement or code. The early commandments illustrate the process by which unconscious custom began to become conscious law. As yet no one had developed a conscious statement of the whole content of the custom — no one had conceptualized it, we might say — but when some one did something that was contrary to the custom his behavior was recognized as wrong, as immoral, or as sinful and as likely to bring on the wrath of the gods. If such acts of violation of the custom became sufficiently frequent as to arouse the people to a sense of their dangerousness a commandment not to do that particular immoral or sacrilegious act would be formulated; and of course the commandment was attributed to the patron divinity. That is why the first laws or commandments were negative in form; they were in reality commandments not to violate some aspect of the custom.

As violations of custom increased — as indeed they must, at least to the degree in which inevitable social change was itself taking place — it became necessary to formulate consciously and positively the most important customs, or at least those that were most liable to violation. Thus appeared the first great codes, such as those of Hammurabi, Lycurgus, Moses, Solon, and Draco. These early codes were not legislative made, but custom made. They were conscious attempts to formulate, and perhaps to standardize, the accepted practices of the people. No doubt the opportunity of selecting from among variant and conflicting practices, or even sometimes to modify customs that had been outgrown, was utilized in the process of drawing up such codes. It is also significant that all of these early codes purported to

be in the nature of revelations from the gods. In no other way could they have been endowed with sufficient authority to enable them to take precedence over older or different customs where there was any conflict of practices. It might well be that the codes sometimes restated the custom in the interest of the tribal rights of the people at the same time that they consciously formulated and standardized the custom; but it is also true that they added greatly to a sense of social security by making definite and well known to everybody what the limits of his rights and duties were under the existing social system. Such codes were the most potent factor in introducing order into the lives of practically everybody. Thus early law was a great blessing to mankind because it added so much to security.

Later Developments of Law as a Social Control. As rulers became more powerful and acquired more prestige — themselves sometimes rendered divine, because they became the symbolic embodiments of custom and law — they dared to modify the custom and the law of their own initiative and in their own right. Custom of course continued alongside of law after the latter was consciously established in the codes, for not every custom could be reduced to codal form; and, besides, it was necessary to allow for local and temporal variations in the rules of conduct, especially with reference to the minor aspects of behavior. Even among us custom continues to exist alongside of law and to supplement it as a social control. The political and religious authorities came increasingly to modify this custom or even to make laws de novo to fit the social convenience or even their own interests. While the ecclesiastical authorities continued to reformulate custom in the name of the divinity, the political powers dropped this fiction, and it did not reappear after the beginning of the age of enlightenment in Greece.

In the course of time the making of laws by tribal councils and by single powerful rulers — kings and emperors — gave way to the exercise of this function by civic councils, senates, and legislatures. It was thus that legislation began. This sort of law making has had many historic forms, including those by the Jewish sanhedrin, the Greek citizens' assembly, the Roman senate, the English House of Lords, and various types of modern parliaments, diets, reichstags, cortes, congresses, and legislatures. While the early legislative bodies represented exclusively the upper or privileged classes, they have come increasingly to stand for the voice of the people. The recent forms of legislative assemblies are so familiar to every one that they require no illustration.

Some Outstanding Characteristics of Law as a Social Control. The chief advantages of law over earlier forms of social control are that

it is definite, authoritative, and within a certain degree ethical and conservative of the social welfare. The law is perfectly objective and theoretically it is within the range of possibility for every one to know its content and thus to guide his conduct accordingly. In reality, the law has become very voluminous and complicated and, in many respects, conflicting. While it is authoritative and makes itself feared, it cannot be denied that it is very unequally enforced, sometimes because enforcement is entrusted to incompetent or to partisan and corrupt officials, and also sometimes because there is a very unequal attitude toward the enforcement of different laws on the part of the people themselves. The fact that there is a regular system of courts for the application of the law to the pursuit of justice in particular cases is a great advantage in social control over earlier times when such courts did not exist, or when they had not yet reached their present degree of development in behalf of the public good. Yet, it must be admitted that there are many imperfections, both of administration and of procedure, in the apportionment of justice through the courts. In the chapter on Reform as a Social Control we shall have occasion to note some of the improvements that need to be made in the courts in order to render the giving of justice and the feeling of security more adequate.

That the general aim and intent of the law, as it now exists and is administered, is ethical there can be no doubt. Yet at all times, and even now, the law has been made largely to serve special or class interests rather than those of the public welfare in the large. The most casual study of history shows that law has been one of the chief instruments of class control, all the more effective for this purpose because it is so powerful as a social control in general. Law has never been completely democratic, either in its content or in its administration, but its trend is towards greater democracy as all social classes tend to come more equally into power.

The Necessity for Rules of Conduct. It is scarcely necessary in our era to make an argument for the social necessity of definite rules of conduct. Yet there are those that emphasize more strongly the doctrine of personal freedom and laissez faire than that of social control and social security. In an age of savagery such an argument would probably indicate a desire to be free to rob and pillage without collective interference. In our time it may mean the same thing, but it may also signify the fact that life and property and personal protection are so secure among us that some people desire to take a moral holiday or even to avoid the necessary expense and annoyance of being subjected to those controls which provide us with security. Of course some social controls are invasive of legitimate interests and do not afford security,

in which case the protest against them is quite right and proper. But on the whole social controls are necessary and useful, and law rightly conceived and administered may be chief among these. On this point we shall allow a distinguished professor of jurisprudence to speak.[1]

It is evident that legal arrangements are a variety of social organization, and that therefore jurisprudence is one of the branches of social science. Man is an essentially social being. Social intercourse is to him a dictate of nature, because he cannot satisfy his wants as an isolated individual; if left to himself, he is, as Aristotle has put it, not self-sufficient. By joining a wife he raises a family; by joining his neighbours in the union of the village he provides for the simple requirements of economic cooperation; by joining fellow-citizens he helps to build up a state which protects him against enemies and enables him to achieve intellectual and moral progress. We can go a step further: if social intercourse is a requirement of men's nature, *order* of some kind is a necessary condition of social intercourse. If a man profits at the expense of his neighbour by snatching away his bread, it will be difficult to establish a community of interests or any amicable intercourse between them. It is only when certain rules of conduct intervene to settle the normal behaviour of men in the exchange of commodities, in the relations of the sexes, or in the regulation of services, that social intercourse becomes regular and continuous.

There are thus certain initial requirements set to those who take part in the association: they ought not to hurt each other, to take undue advantage of each other, to act as if their private wills and pleasures were everything and the wills and interests of their neighbours nothing. Even when two persons join socially for the simple purpose of playing a game of tennis or of chess, they must conform to certain rules in their contest if they wish to achieve their immediate end. The skill or force displayed constitutes the substantive or material part of the game; the rules as to moves and scoring constitute the formal frame of this kind of intercourse. As regards married people, or the shareholders of a joint stock company, or the citizens of a state, the relations involved are much more complex and enduring, but they are substantially of the same kind.

It is evident that laws take their place among the *rules of conduct* which ensure social order and intercourse. Therefore jurisprudence appears among social sciences within the section of so-called *moral* science.

The Hierarchy of Controls of Conduct. We have not attempted to give an analysis of all of the constructive and non-violent social controls in this volume. There are many of these that would richly repay careful study. The present work is concerned especially with the more institutionalized and the more formalized types of social control. It will be interesting and instructive, however, to see other constructive social controls compared, however briefly, with law, by one of the leading authorities in this field. Again we turn to Professor Vinogradoff for instruction in this matter.[2]

The object of laws is primarily to supply rules of conduct, rules as to what ought to be done and what ought to be abstained from. Laws are, of course, not the only

[1] From Paul Vinogradoff, *Common-Sense in Law* (Henry Holt and Co., New York), pp. 14–16.
[2] *Ibid.*, pp. 19–23.

rules of conduct which govern men's actions. People conform also to fashions, to manners and customs, to conventional standards, to precepts of morality. A man nowadays would hardly care to wear a powdered wig and a three-cornered hat, though he is not positively forbidden to do so. A lady usually puts on mourning after the death of her husband: she considers the black attire and the veil to be prescribed to her by public opinion: and if she chose to disregard the sentiments of others, unpleasant consequences would follow — reprobation, hostile comments, and perhaps the snapping of social ties with friends and relations. As for social custom, it may not be absolutely necessary to greet your acquaintances when you meet them in the street, or to call on them occasionally, but it is customary to do so, and a person careless or casual in such matters is sure to meet with some retribution. Conventional standards are chiefly set up in connection with the habits and manners of certain classes and professions; they are narrower than the common code of morality, but they are intended to be followed by the members of the particular groups concerned. Lawyers and medical men recognize special obligations in regard to professional secrets and professional conduct; mediaeval chivalry imposed on members of the *noblesse* very stringent rules of courtesy; and even in our democratic age the code of gentlemanly behaviour and honour demands a considerably greater refinement than the ordinary rules of honesty. Honesty itself, as well as truthfulness, kindness, pity, etc., are moral obligations enforced partly by public opinion and partly by conscience. They are clear expressions of the notion of duty, the precept of the "ought," and a person known to be a liar or a ruffian is certain to excite feelings of repulsion and hostility among his fellow-men.

The rules just described present a kind of scale in which each of the steps supposes stricter obligations than that preceding it. Customary usage is more pressing than fashion; a conventional standard is more imperative than customary usage; and rules of morality are more absolute than rules suggested by a conventional standard. Lastly, legal duties may be said to be more obligatory than moral duties. We notice also various combinations of personal conscience, instinctive obedience and outside pressure. In fashion, the element of personal taste is still very prominent and the sanction of outside pressure relatively slight, evidently because the aim to be attained by following its dictates is not of great importance. People want to look like everybody else, or like the better sort, or a trifle finer still; but even if they do not succeed the failure is not very damaging: in such cases, people wear, as it were, a self-imposed uniform, and the characteristic trait exhibited is the kind of mimicry which induces men to select the colours and the cut of their clothes not in an individual, but in a gregarious way. Customary usage goes further: it is not a question of looks, but of behaviour, an expression of supposed feelings, of respect, friendliness, affection, protection and the like. There is an aim in all these practices: they are intended to make the wheels of social intercourse run easily, to smoothe the relations of acquaintances, friends, superiors and inferiors by benevolence and mutual consideration; they have to be acquired by teaching and habit, but ultimately they become almost instinctive. In the case of conventional standards the aims set by a community are very conspicuous: the chief object is to fence off a particular group from outsiders, and to impress certain duties on its members. Conventional notions of this kind may grow to be a kind of secret doctrine, *e.g.*, in freemasonry. Outside pressure increases correspondingly. A person disregarding the rules of the group will eventually be expelled from it. As to moral duties, their social importance is manifest; clearly if the whole or the majority of a given society should be made up of liars and robbers there would be small chance for credit, security and well-being. On the other hand, however coarse a man's moral nature

may be, he generally recognizes moral rules in so far as they are likely to guarantee his own interests; and it is very difficult to suppose that one who is in the habit of protecting his own property against thieves would himself turn to stealing without an uneasy sense of contradiction in his conscience.

The Relation of Law to Morals. Legal controls may or may not be ethical in character. Many laws are, as has already been said, but enacted customs and may therefore be antiquated from a moral standpoint. This is particularly likely to be the case with laws regulating the vices and domestic, commercial, and industrial relations. Sometimes laws are but the expression of dominant class or special group interests, and this is frequently true of laws governing economic relations. On the other hand, laws — and especially recent legislative made laws — may express a high degree of ethical idealism. This idealism may in fact be so advanced that public opinion will not allow of their enforcement. Once more we turn to Vinogradoff for further elucidation of this question.[1]

The close relationship between moral and legal notions is striking. No wonder ancient thinkers, Aristotle for example, included the discussion of the elements of law in their treatment of ethics; and for Socrates and Plato the analysis of right was inseparable from the idea of justice. Nor is it a mere chance that in all European languages, except the English, the terms for law and right coincide: *jus*, *Recht*, *droit*, *diritto*, *derecho*, *pravo* — all mean legal order, general rule of law, notion of right on one side, and the concrete right asserted by an individual on the other. In English, *law* is distinguished from *right*, but rights are based on law, while on the other hand the opposition of right to wrong accentuates the ethical aspect of the notion. Right is that which we find correct, adequate to a certain standard set up by our judgment; wrong is that which is opposed to it. The proposition that two and two make five is wrong according to an arithmetical standard; to repay a benefactor by ingratitude is wrong according to a moral standard; to refuse wages to a labourer may be wrong according to a legal standard, and is certainly wrong from a moral point of view, that is, in the judgment of unprejudiced men and of one's own conscience.

Thus it is certain that law cannot be divorced from morality in so far as it clearly contains, as one of its elements, the notion of right to which the moral quality of justice corresponds. This principle was recognized by the great Roman jurist, Ulpian, in his famous definition of justice: "To live honourably, not to harm your neighbour, to give every one his due." All three rules are, of course, moral precepts, but they can all be made to apply to law in one way or another. The first, for instance, which seems pre-eminently ethical, inasmuch as it lays down rules for individual conduct, implies some legal connotation. A man has to shape his life in an honourable and dignified manner — one might add, as a truthful and law-abiding citizen. The juridical counterparts of ethical rules are still more noticeable in the last two rules of the definition. The command not to harm one's fellow-men may be taken to be a general maxim for the law of crime and tort, while the command to give every one his due may be considered as the basis of private law. And this last

[1] Adapted from Paul Vinogradoff, *Common-Sense in Law* (Henry Holt and Co., New York), pp. 23–27.

precept is certainly not concerned with morals alone: the individual is not required merely to confer a benefit upon his neighbour, but to render to him that which belongs to him as a matter of right.

The real difficulty arises when we try to draw a definite line of division between moral and legal rules, between ethical and juridical standards. There are those who would coordinate the two notions on the pattern of the relation between end and means. They look upon ethical rules as determining social ideals, the principles of goodness, virtue, honour, generosity, for which men ought to strive in their personal conduct, and the aims of development, civilization, progress, perfection, which society at large ought to set before itself. Law and laws according to this theory would be the conditions devised for the attainment of such ideals. But such a definition becomes so wide that it includes potentially every case where social influence can be exerted, and one loses the thread of distinction between moral and legal rules. Other jurists have therefore based a distinction on the contrast between theory and practice, or rather between the practicable and the impracticable. In their views law is morality so far as morality can be enforced by definite social action; in other words, it is the minimum of morality formulated and adopted by a given society.

This again is not satisfactory. Many legal rules have nothing to do with moral precepts. If, as the result of the law of inheritance, the eldest son should have his father's estate and the younger brother be cut off with a scanty equipment; or if a statute makes the sale of tobacco a state monopoly: such laws are certainly not suggested by ethical motives. Besides, even when legal rules are connected directly or indirectly with an appeal to right, it does not follow that they are necessarily framed in consequence of moral impulses. The laws as to bills of exchange or payment of rent are dictated by commercial practice or by established vested interests rather than by moral considerations. In short, numberless aims foreign to the ethical standard play a part in legislation and in legal evolution: national interests, class influences, considerations of political efficiency, and so forth. It would be a one-sided conception indeed to regard laws as the minimum of moral precepts.

One thing seems clear at the outset: in the case of legal obligations, we have to deal with precepts of a stricter and more *compulsory* nature than moral duties. It is obvious that in many cases the breach of a moral obligation does not directly involve material retribution, except perhaps in the form of loss of good opinion. Many a rascal takes his way through life without being made to answer for his sins if he takes care not to infringe the prescriptions of the law. It remains to be seen on what grounds this narrower sphere of legal compulsion is marked off.

Ethics and the Criminal Law. It is perhaps in connection with the criminal law that ethical problems come most to the front in legal control. The very fact that criminal acts are directed against either the personal or the collective welfare of others brings into play the ethical consideration. Whether the criminal law operates punitively, preventively, or constructively, this ethical element must always be present. Of course it is more obvious where will or choice and motive are actively concerned in the criminal act, but it is by no means absent where harmful acts are merely the results of preventable moral or physical conditions in the offender or in his immediate environmental situation. For example, intoxication of a driver who kills a pedestrian with a car which he cannot properly guide ordinarily should not be

considered as an extenuating or alleviating circumstance, but should be given full moral weight in dealing with the killer the same as if he had run down the pedestrian on purpose. Offenders must be held responsible for their physical condition (intoxication, etc.), when the result of their own acts, as well as for their mental condition (acts of will and choice). Law obviously reaches its highest alliance with ethics — social ethics, if the term is preferred — where the law is consciously used for the purpose of improving moral character or for the promotion of social welfare, that is, for moral and social rehabilitation and prevention. An analysis by Sheldon Amos will help to throw light on this question.[1]

Criminal law is very closely connected with, and dependent upon, the existing condition of the moral sentiments of the community. Every part of the law rests on an antecedent moral condition which alone renders its creation and general acceptance possible; though, on the other hand, law repays the debt by contributing largely to the substantiation and support of moral ideas. Criminal law is ultimately based on the moral conception of a *crime* which is anterior to, though also coexistent with, the legal conception. *Crime*, in the moral use of the term, and in the mixed moral and legal use (which is the popular use), signifies an abominable and atrocious act which is not only injurious to some members of the community and dangerous to all, but which proceeds from some exceptional wickedness in the person who perpetrates it.

It is in this idea of "wickedness" as contrasted with that of, what may be called, "dangerousness" that the moral conception of a crime differs from the legal conception. The common judgment of mankind estimates an act not only by its actual, or possible, consequences, but by the general character, in respect of moral excellence, of the agent, and also by the thoughts and feelings of the agent at the moment of action. Thus the acts most abominated are those which are most noxious in their actual or possible results; which are done by the most notoriously vicious men, or by men hitherto reputed to be the best men; and which, in any particular case under consideration, are done with the most malevolent or culpable motives. All these elements — some of them touching the act itself, and some of them touching the agent, either looked at generally or under special conditions — properly enter into the estimate of an act from a moral standing point.

The process of evaluating acts is performed roughly and hastily enough by the bulk of the community, who have neither leisure, knowledge, nor disposition to look very far or very deep. It is performed with more precision and skill by the moral philosopher. But whether performed superficially, or with intelligent and conscientious thoroughness, the process of evaluating acts is always essentially the same, and the elements concerned in it are identical and invariable.

It is natural, then, that some classes of acts which usually are found to combine all the conditions by which atrocity is measured should obtain a generic name; and it is also what might have been expected, — considering that these acts are among those which it must ever be the policy of a State absolutely to prevent from so much as occurring at all, — that this generic name should in some countries be also the generic name for the acts which the State strains its uttermost to discourage by that

[1] Adapted from Sheldon Amos, *The Science of Law*, 1874, pp. 236–243.

part of the law which is called criminal law. Thus the term *crime* is one of the most notable meeting-points of law and morality.

It has thus been seen that "wickedness" in the agent is, from a moral point of view, one of the indices to the atrocity of an act which causes suffering or loss to others. The conception of "wickedness" must itself depend upon the moral criteria and the moral standard which happen to prevail in the community at the time. The word is, no doubt, vague and indeterminate, though by no means without intelligible meaning. It implies not only the absence of such concern for the welfare of others, and especially of the person injured, as, in the opinion of the community, *ought* to be there; but possibly, also the presence of sentiments which, in their opinion, ought not to be there. It implies, furthermore, that the agent was free, and, either at the moment of action, or at some other moment, could, if he had wished, have prevented the formation of the state of mind which ultimately dictated the act.

Thus in every moral judgment on an act, besides the estimate of the nature and consequences, actual or possible, of the act itself, there are present the several notions of, first, a standard of right sentiments; secondly, a dictation, or moral imperativeness, which directs conformity with that standard; and, thirdly, a moral responsibility or accountability in every one, except in circumstances of special exculpation, to conform to that standard.

The treatment of the self-same acts by the criminal law is illustrative of the differences between law and morality, and of their relations to each other. Law, like morality, directs attention, in the first place, to the act itself, as measured and circumscribed by its consequences, actual or possible, immediate or remote. It enumerates, with such precision as it can avail itself of, the acts to be abstained from, and usually classifies them under some scheme of arrangement suggested by the gradations, or the kind, of suffering or of danger they occasion, by the character and situation of the sufferers, or by reference to mere antiquarian and long familiar divisions.

In the second place law, like morality, addresses itself also to the perpetrators of the acts it forbids. The law, however, is here considerably at fault, and is, as it were, conscious of its own comparative impotence. The notion of "wickedness" involves far too numerous and subtle considerations to render it a possible basis of a judicial sentence. Law can venture so far in psychological inquiry as to determine whether an alleged *act* was really such, and was preceded by an exertion of the will, or whether it was merely an event. It can go further and test the *intention* of the agent's mind at the moment of acting. In other words, it can profess to ascertain the attitude of his mind towards the immediate consequences of his act. Law can even go further than this, and endeavour to discover an agent's *motive*, or the remote and ulterior consequence of which he was in pursuit, and to which the immediate consequence of the act was only a transitional, though an essential step.

This analysis of the presence or absence of will, intention, and motive, must serve to throw great light on the condition of the agent. If will is proved to have been present, the act was a true act for which the agent is accountable to law. If intention is proved to have been present, the agent knew what he was about, what was the character of his act, and what might be expected to follow from it; or, at least, a greater or less amount of such knowledge may be fairly imputed to him. If a motive is discovered, it is made plain whether the agent desired the consequences of this act, that is, either the immediate or remote consequences, or both; or whether he was indifferent to some of the consequences but desired others, or only desired some as a means or stepping-stone to others.

Now, the question is presented as to how far law has thus gone in competing with the moral investigation previously alluded to, and what is the purport and relevancy of the competition.

Throughout the enquiry law presupposes, just as morality does, a canon of right sentiment, a command that every one shall conform to that canon, and a corresponding legal and moral responsibility attaching to everybody who does not conform to it. Not, of course, that law ever judges, as does morality, thoughts and feelings by themselves, and apart from the outward acts which are the sole appropriate matters of its cognizance; but, in the course of estimating criminal liability for an act, of which, by the hypothesis, the chief characteristic is that it occasions suffering to others, or complex dangers to the State, law is bound to examine with scrupulous care the mental and even (so far as it can) the moral situation of the person accused.

There are, indeed, two distinct grounds why law, in that department of it which deals with crimes, is compelled to conduct, with such rude instruments as are at its disposal, a quasi-moral investigation so often as the legal responsibility of an alleged offender is called in question. One of these grounds is that a large number of legal crimes can scarcely be described in any other language than that supplied by the popular dialect of the day, and their very existence is largely based upon the moral notions and beliefs current at the day.

It has been seen that for the construction of many classes of crimes (in the legal and moral sense equally) moral sentiments and State policy have been invariably at one. Murder, robbery, theft, fraud, housebreaking, burglary, rape, and piracy are instances of crimes as to which almost as correct and exact a notion would be obtained by catechizing the first passer-by in the street, as by studying the most carefully considered judgments or the most elaborate codes. And it is probable that, however completely law written and codified absorbs unwritten law, increasing civilization will generate new forms of audacity and atrocity which will continue to be designated by some such generic term as *crimes*. It may also be expected that these new crimes, in the popular sense, will be successively made crimes in the legal sense; and that, too, by the spontaneous action of courts of justice in default of speedy legislation or amendment of the code.

It thus appears that, in respect to large and important classes of crimes, law is dependent, in some measure, on the popular sentiments of the day for a general description of them. It has also been shown that in such a description, for popular uses, the element of wickedness or mischievousness occupies a conspicuous place. It was further indicated that this last element could not be strictly or satisfactorily inquired into by the administrators of law, and that the only inquiry of the sort which they could conduct was as to the presence or absence of motive.

The question, then, now arises as to how far the legal investigation into motives coincides with the moral investigation into wickedness or mischievousness. The one will only coincide with the other if it is determined that the presence of certain definite sorts of motives are conclusive signs of that iniquitous state of mind which common morality condemns. Morality, indeed, could accept no such test, because it will not allow the region of considerations appropriate to itself in forming a judgment to be narrowed in any way. But law has no choice. It must either abandon the task of keeping large classes of crimes synonymous for law and for morality — an issue which would so much offend the sensibilities of the community as to be practically out of the question — or it must submit to convert, at every point of the judicial process, lax moral impressions into definite legal axioms.

There is another ground why a quasi-moral investigation is implied in the administration of a large part of criminal law. It is because legislators and judges have generally endeavoured to improve morality directly by the engine of criminal law.

It has been seen that the true use and purpose of the criminal law is to prevent absolutely (if possible) the occurrence of those acts, which, if frequent or more than very rare indeed, must result in the dissolution of the whole State. A subordinate purpose is the support in the most effective way of important classes of private rights. Yet a third purpose has generally flitted before the fancy of legislators and judges, and has largely influenced the history of criminal law, — that of directly promoting general morality. It is no doubt an object worthy enough in itself, though, if the search for it be not strictly watched and restrained, other and more appropriate objects may be unconsciously sacrificed to it.

Morals and Sumptuary Legislation. Morals legislation is rarely directed purely and exclusively at the improvement of personal morality. Rather it seeks to improve the welfare of the community by improving the moral conduct of individuals. It is based on the theory so strongly espoused by Socrates and Plato that in order to make a good society it is necessary first to make good men. This is a theory which is also strongly emphasized by the Christian Church, which often has seemed to forget or to ignore the fact that men can rarely be made good in an immoral or bad society. Morals legislation or laws are usually associated with sumptuary laws, but sumptuary laws are very frequently enacted in the interests of classes rather than in behalf of private and public morals. Thus almost universally, before the advent of modern democratic tendencies and of free merchandising, the lower classes were forbidden to ape the upper classes in dress, and often in food, sports, manners, and in many other activities. But the growth of democratic mores has done much to abolish sumptuary legislation; and the interest of the middle class merchant, who lives in a middle class society, in selling as large an amount of goods to the largest possible number of people has perhaps accomplished even more in this direction. Morals legislation also is on the decline, especially that phase of it which emphasizes purely formal or magical and ritualistic conformity to the beliefs and superstitions of traditional religion. This sort of pseudo-moral legislation now strikes us as highly antiquated and sometimes even as amusing, as may be seen from the cases described below. The similarity of this sort of legislation to some of the customary and conventional controls already discussed in this chapter will not escape the student. The cases of morals legislation follow.[1]

Strict inquiry into the habits and customs of people in their private capacity was looked upon as the duty of city and State authorities long before the Reformation.

[1] From "European Blue Laws," by John Martin Vincent, in *Report of Amer. Hist. Assn.*, 1897, pp. 363–367, 369–372.

It will be remembered that this is a period when the penalties for ordinary crimes were very severe. Enormous numbers of people suffered the death penalty for stealing, for vagabondage, or for other offenses many of which would not be treated now as crimes. It was also a period when the guilds exercised a very close control over the personal conduct of their own members, as well as over the commercial and trade necessities of their respective cities. In other words, it was a time when the constituted authorities looked very narrowly into all forms of activity, whether political, religious, or social.

The Reformation brought about a marked change in the moral sentiments and the social customs of the people wherever it was introduced. For a considerable time, at least, religion seemed to weigh much heavier on men's minds, and the moral law affected the daily habits and practices of the people in a way hitherto unknown. In order to bring this about more speedily, the reformers used not only the persuasions and threats of religion, but invoked the arm of the law to keep citizens in healthy moral condition. The machinery for this was already at hand; the old ordinances were renewed, amplified, extended, and the penalties for disobedience made more severe, and in consequence, many communities which had hitherto exhibited more or less trifling in their manners, became staid and even somber. . . .

Under the exaltation of a reforming spirit we may expect such phenomena to happen. What is more to the point for us is that the desire to regulate private conduct continued on for more than two centuries, and that during and after the time that such strict laws were in operation in the American colonies they had the same sort of thing on the continent. Take for example the ordinances of Zürich in 1628. They were enacted by the burgomaster and two councils of the city. They begin with these words, "Since all mankind ought to seek the Kingdom of God." Think of a statement like this coming from a board of aldermen! But this is the preamble to an ordinance which provides for the observance of Sunday. Every person, male or female, in the city, unless hindered by sickness or some good excuse, was obliged to be present at church every Sunday before the third bell rang, and, what is more, should remain until the close of the service. Children and servants should be sent to the Sunday School and the other exercises for religious instruction. There seems to have been a mid-week service in those days on Tuesday. This was to be attended with the same regularity as was the service on Sunday, and for the further peace and quiet it was ordained that no one should wash out clothes and hang them out to dry on that day. Persons who persisted on washing on Tuesday might even be expelled from their guild or from the community in which they lived. There were also daily religious services which had to be attended by at least one member of every household. Furthermore, in order to keep the faithful in the proper path, it was ordained that they should avoid the heretical sect of Baptists, and that the citizens should not go into any church or assembly except "where our reformed Christian religion is Practised."

The way in which the Sabbath should otherwise be kept is carefully prescribed. In view of the fact that intemperate and superfluous eating and drinking particularly desecrates the Sabbath, not only were the taverns and guild houses to be closed on Sundays, except to strangers, but the giving of dinners, walking in the fields, and the holding of weddings were also things prohibited. For the country districts the holding of weddings even on Monday was forbidden, since great desecration of the Sabbath was caused by the preparations for a Monday wedding. It was ordered that they should take place on Tuesday or any other day of the week, except Saturday.

There is also a chapter in this ordinance on the bringing up of children. Parents are warned that when the "bed bell" rings, children must go home and should not be seen on the streets after that, or they will be punished by their parents or the schoolmaster. If parents or master are neglectful, they will be visited and given pointed advice as to how their children should be brought up. Other regulations in regard to conducting business, the working of mills, hunting, and fishing do not seem so much out of the ordinary.

Certain customs at carnival time were forbidden because they were heathen superstitions. So likewise were the practices of conjuring and prophesying, telling fortunes, and things of that nature. As in the early Massachusetts there is a prohibition against jugglers, acrobats, and vagabonds. In this ordinance of Zürich the clause reads almost word for word like the New England law, but pauses to give a theoretical reason for itself. Said they of Zürich, "Jugglers, maskers, jumpers and such like are forbidden, because they do things which God did not intend the human race to perform and are not allowed by the Christian religion." Gambling we may expect to find prohibited, but the council goes further and forbids the sale of playing cards. . . .

The law attempted to reduce the extravagance of mourning. . . . In 1650 this same council inserted a prohibition against swearing and profanity. . . . Walking on Sunday was to be done only between Sunday School and afternoon service. . . . The clothing of servants was exactly prescribed. Everybody was ordered to wear smooth plain collars except officials. . . . Women were to wear black to church, and no jewelry. Laces and embroidery on hoods, if worn, were to be placed out of sight on going to church. . . .

In the year 1755 . . . the specifications are more exact and the prohibitions more decisive. People must not only go to church, but it is still found necessary to put in the ordinance that they shall remain in the church to the end of the service, and shall refrain from unmannerly conversation and unnecessary going out. No one might leave the city on Sunday, either on horseback, in carriage, or on foot, without permission of the so-called president of the Reformation. "The new custom of giving dinners and making visits before and during the afternoon service is forbidden." The gates of the city were not to be opened to anybody before the close of the afternoon service, except for travelers. Anybody found loitering about the streets during the service might be taken up and fined. . . .

The city council is still much concerned about the clothing of the people. It is desired that all classes confine themselves to the clothing proper to their rank, especially at church services. The authorities do not confine themselves to generalities, but prescribe a list of prohibited articles, which reads like the Christmas advertisement of a department store, entering into the particulars of women's wardrobes in a way quite startling. . . . The use of expensive neck-clothes, and the immodest curling and powdering of the hair were put under . . . penalty. . . .

Sleigh riding was absolutely forbidden, except for necessary journeys and business. Dancing at weddings and on public occasions lay under twenty pounds' fine, and strict limits were still set to wedding feasts and banquets. . . . We find in the ordinances that whoever smokes tobacco " in the streets or alleys or in public houses, by open windows or in front of the shops in the city, whether it may be townsman or countryman, shall be punished with fine or imprisonment." . . .

The ordinances . . . cited are not fanciful, nor were they lying idle in the books at the dates mentioned, but were fresh reenactments with vigorous penalties. Many of them were printed in pamphlet form so that they might be read in the churches and spread among the people.

Exploitive and Retaliatory Sumptuary Laws. Reference was made above to the fact that sumptuary laws, as distinguished from morals legislation, usually are exploitive in character or are made in the interests of a class. In Germany recently such laws and ordinances have been revived against the Jews, as the following news item testifies. Although the immediate occasion for the steps taken was retaliation against the Jews for the assassination of a Nazi diplomatic representative in Paris, obviously the underlying motive was the harassing of the Jewish people in Germany whom the Nazis wished to expel because their system of regimentation conflicted with that of the Nazis and tended in some degree to nullify it, and because the Nazi government needed funds. The account follows.[1]

Marshal Göring, Foreign Minister von Ribbentrop, and other Nazi leaders stood on street corners in Berlin rattling small money boxes as Germany celebrated its first "Jew-Free Day." Primarily Dec. 3 is the Day of German National Solidarity, devoted to public collections for the Winter Relief Fund, but this time all Jews were ordered to remain in their houses from noon until 8 o'clock that night. And by the time they emerged, the Reich had taken the most decisive step thus far toward confining Jews in modern ghettos.

Count Wolf Heinrich von Helldorf, Berlin Police Chief, proclaimed that henceforth Jews will be barred from theaters, museums, sport arenas, memorials, public buildings, and bathing beaches. Likewise they were forbidden even to appear in Berlin's most important centers, the Wilhelmplatz, the Wilhelmstrasse, and parts of Unter den Linden. Jews living in these districts or frequenting them on business must obtain a police permit every twelve hours. Violation will be punished by a fine of 150 marks ($60) or six weeks in jail. In addition, Helldorf announced the ban would be extended to the Kurfürstendamm, Friedrichstrasse, and other fashionable districts. Jews were advised to move to the Scheunenviertel region, a squalid slum. These orders applied only to Berlin, but provincial officials were authorized to copy them.

On top of this, Heinrich Himmler, head of all Reich police, put out an order forbidding Jews everywhere in the country to own or drive private automobiles or motorcycles. Licenses must be surrendered before the end of December. Himmler's explanation was that "the cowardly murder committed by the Jew Grynszpan (who shot a secretary of the German Embassy in Paris Nov. 7), aimed at the entire German people, has made it clear that Jews are unreliable and incapable of owning and operating cars. This defensive measure against Jewish arrogance expresses the German people's sense of justice."

Laws Made for Civic Improvement. We may take as an illustration of attempts to improve moral and social conditions by means of laws a type of case that is often confounded with sumptuary and pseudo-morals legislation, but which is in reality quite different from it. In the effort to suppress the drink traffic as a social menace to the people by means of the prohibition amendment to the federal constitution,

[1] From *News-Week*, XII, Dec. 12, 1938, p. 16.

there was little or none of the old formal and superstitious pseudo-moral motivation which characterized much of the "blue laws" legislation, but a genuine and enlightened desire to apply scientific standards to the control of conduct and especially of social behavior against an exploitive control by interests intent only upon private profit. Yet there was widespread confusion on this point among those elements of the population who are not able to distinguish between scientific standards and superstitious regimentation in social control.

The prohibition movement was not very popular with many people in this country, including those extreme advocates of "personal liberty" referred to above and various special interest groups, as well as some well-meaning persons who have been convinced by the rivers of propaganda poured out by the liquor interests. The eighteenth amendment was passed as a part of the win-the-war campaign during the Great War. The sale and consumption of intoxicating liquors were then regarded as incompatible with our best chances of success in the war. The attitude which resulted in the repeal of this amendment and the reestablishment of the liquor traffic appears to have been based on a number of assumptions, prominent among which seems to have been the belief that once the war was over we could afford the social cost of the dissipation, and also upon a feeling of resentment against non-enforcement of the law and the connivance of corrupt governmental agencies with wholesale violation of the amendment. In other words, the repeal of the amendment was not the result of a profound and careful consideration of the moral and social welfare of the people, but was based mainly on rather incidental and personal grounds. Perhaps the amendment itself was passed under the influence of war excitement before the masses of the people, especially the immigrant population who have long lived in other countries under the influence of exploitation by liquor interests, had been educated up to a full and adequate understanding of the civic and social problems at issue. The question is yet to be settled on these more civic and social grounds. The note of triumph in the following selection was, under the circumstances, therefore somewhat premature.[1]

The Eighteenth or Prohibition amendment is a distinctly social service victory. It represents the conscience of the American people on the liquor traffic. It is the greatest piece of constructive legislation enacted in half a century. It is a new charter for social, moral, economic and political progress.

It represents the spirit of the new age in which the real value of humanity is to receive greater recognition. It is based on the fact that material things have value only as they are related to human beings. Were it not for the boys and girls of

[1] Adapted from Wayne B. Wheeler, "The Eighteenth Amendment," in *Proceedings of the National Conference of Social Work*, 1919, pp. 764–767.

tomorrow, all of our boasted wealth would count for nothing. The things, therefore, that make for a better boyhood and girlhood of tomorrow are of primary importance. Those influences which weaken or destroy them, must be discouraged and put under the ban of the law. This is why the liquor traffic had to die by the ratification of the National Prohibition Amendment.

The Eighteenth Amendment was written into the Constitution with more opposition against it than any other clause. The traffic which it prohibits was intrenched in the social, economic and political life of the nation. It planned to control permanently the destinies of the Republic. The testimony taken before the senate judiciary committee shows that it had made a survey of practically every state; that business men and politicians were black-listed or boycotted who dared oppose the traffic. They attempted to subsidize the public press and were successful in some instances as the evidence shows. Magazine writers, ministers, doctors and lawyers were employed to advocate the trade. The traffic did not hesitate to ally itself with, and use the disloyal forces in the nation in a vain effort to try to save their crime producing traffic. Never has such an uneven contest been fought through to success. The odds were against us as the Pennsylvania *North American* said: "One thousand to one when the Anti-Saloon League came on the field of action." . . .

In most of the states the wet and dry forces opposed each other in the election for or against any kind of prohibition. In primary and election campaigns the wets appealed to their friends to see to it that men were sent to the legislature who would defeat national prohibition. The result was most gratifying to the friends of the Eighteenth Amendment. Within fourteen months and one week after congress submitted the amendment forty-five states, or fifteen-sixteenths of the states of the Union, had ratified it. More than 100,000,000 people live in these states. Only three states, Connecticut, Rhode Island and New Jersey, with a total of 5,004,000 refused to ratify. All of the large, influential and populous states have shown their approval of the Eighteenth Amendment by ratification. No other constitutional amendment was ever ratified by so many states in so short a time. The sentiment for it, which had been accumulating for decades, found ready expression in the legislatures which were willing to represent the majority sentiment, of the people on this issue. . . .

The prohibition forces made their fight upon two fundamental principles of government: first, the people have an inherent right to better their conditions in any unit of government, small or large, when they proceed in a legal and orderly manner; second, the liquor traffic, being a menace to the best welfare of the people, the people had a right to remove it in order to advance civilization. The Supreme Court of the United States established this principle in 137 U. S. 86, when it said: "The statistics of every state show a greater amount of crime and misery attributable to the use of ardent spirits obtained at these liquor shops than to any other source." The court closed its decision with these words: "There is no inherent right in a citizen of a state or of the United States to sell intoxicating liquor." The prohibition forces through a persistent and organized effort told the truth about the liquor traffic until the people believed that it would better their conditions to abolish it. The traffic's appeal to the courts to save it is of no avail, because the courts notified the traffic years ago that it has no inherent right to exist; that it is here by sufferance only; that it is in the position of a trespasser rather than as an invited guest. . . .

The opponents of the Eighteenth Amendment are on dangerous ground when they enter upon a campaign to make the prohibition amendment inoperative. Good citizens may differ as to the wisdom of enacting a law, statutory or organic, but patriots do not disagree as to the advisability of enforcing law. There are but

three forums in which the arguments against the Eighteenth Amendment can now be legally presented. First, the forum of public opinion. No one denies the right of the brewers to prove, if they can, that beer or liquor is beneficial to society; that it decreases idleness, crime, poverty, delinquency and drunkenness, or that it helps make this a better place in which to live and to rear the next generation, or to give any other good reason why the laws should be changed. Second, the liquor dealers have a right to ask congress to resubmit the prohibition amendment and to urge state legislatures to ratify the repeal when congress resubmits the question. This carries with it, of course, the right to appeal to the people to elect legislators and congressmen who are in sympathy with this program. Third, the judicial forum. The liquor interests have a right to contest in the courts the legality of the prohibition measures. When these activities are exhausted, the time has come for these opponents of this new policy of government to halt. Thus far they may go legally, and no further. The brewers and their representatives have lost their case in every one of these forums. . . .

The great issue before this country now is: Shall the Constitution be sustained and shall the law be enforced? If we fail at this point, the government itself is in jeopardy. If the brewers can nullify the Eighteenth Amendment because they do not like it, then any other group of people may set aside any other part of the law or the Constitution which is obnoxious to them, and anarchy will rule. The Eighteenth Amendment is a part of the Constitution. Every citizen by the terms of his citizenship and every officer by his oath of office is bound to support it. It may be changed in a legal and orderly way, but defiance of it is anarchy. Those who counsel nullification of prohibition, should they succeed, will find the chickens coming home to roost later on. If the brewers can nullify the organic law, what shall we say to the Bolshevist and Anarchist who use the same method in order to accomplish their end? Congress and the states have equal obligation to enact law enforcement codes to make this amendment effective. This means, among other things, a definite and clear definition of intoxicating liquor; one which even a New York judge can understand. When forty-five out of forty-eight states ratify an amendment to the Constitution, representing by majority rule ninety-five per cent of the people, it is a mandate to congress to enact a 1920 model of efficiency, for law enforcement. We hope and confidently believe congress will do it in spite of the threats and misrepresentations of the outlawed liquor traffic.

The Appeal from Law to Better Law. It must not be assumed, of course, that all laws are just and righteous controls merely because they are laws. Some laws may be very unethical and anti-social, just as the conduct of some courts may be corrupt or uninformed in the law and its administration. There are several ways of preventing the hurtful enforcement of such laws. Perhaps the most normal of these is to repeal the law itself. This, however, is sometimes a long and expensive process, especially when the law has been corruptly or unjustly enacted. In such cases its bad effects may sometimes be avoided by non-enforcement; at others and in more extreme and rarer cases, by revolution. In many such instances the unjust or mistaken law is endured more or less passively by those who cannot help themselves or because the sufferers (as in those cases of this type referred to in the chapter on Non-Violent Coercion) regard submission as a

moral virtue. Such certainly is not the attitude of Professor Coe in the passage which follows.[1]

The doctrine that illegal acts are *ipso-facto* ethically wrong should sound strange in the ears of any disciple of one who declared that laws are made for man, not man for laws. It does sound strange to those of us who grew up in communities in which disobedience to the Fugitive Slave Law was a mark of courageous goodness. Whether the "underground railway," whereby runaway slaves were helped in escaping to Canada, ever indulged in what is popularly called violence I cannot say, but surely the virtuous participants in this wholly illegal conspiracy would have been glad enough to restrain, trip, or disarm any officer of the law who was pursuing an escaping Negro. The simple fact is that there is a long tradition that the highest virtue may require not only passive resistance to a law, but also active and even concerted disobedience.

The "Thou shalt nots" of positive law, considered either historically or ethically, are in fact never primary and self-grounded, but secondary, derived and instrumental. Law comes into being in the first instance, of course, by procedures that have no antecedent legality. It arises by fiat out of interests and desires that seem to require organized use of force, or readiness to use it, to give them effect. The interest or need is primary, the law is secondary. Statutes have been created, amended, allowed to become "dead letters" or thrown upon the rubbish heap according to the feel of circumstances. The ethical imperative, consequently, never resides in the statute itself nor in the governmental system of which it is a part, but solely in the reasons why the statute or the system is good, and to the extent only that it is good.

The political state, it must be remembered, does not create and sustain society. Society creates and maintains the state. Society is primordial; it exists within and by virtue of a spontaneous experience of unity among men — a unity that requires mutual help and self-evidencing justice. The urge towards mutuality and justice is as different from its instrument, the statute or the constitution, as a grocer's purpose in keeping a profit-and-loss account is different from the act of selling butter and eggs.

The state is ours; we are not the state's. The relation to government that this implies we cannot ethically abdicate. What, then, of the much-lauded "respect for law"? This phrase, as it usually is employed, contains a catch — inadvertently, of course. If I am willing to accept for myself any condition or restraint that may be necessary in order that mutual help and justice may prevail, I am fundamentally respectful of law; I am positively for making laws and obeying them. But to be submissive towards a particular law or process of legislation is not the same thing at all; it may even be inconsistent with basic respect for law. The idea of the sacredness of constitutional, statutory, or judicial formulas is an ethical monstrosity. Nothing in the world is sacred but persons and the primal bond that, statute or no statute, makes us members one of another.

Our main question simmers down to this: What sort of forcible coercion, if any at all, does, as a matter of fact, develop personality and organize persons into a just, coöperative whole?

History offers the beginning of an answer in the partial separation of military operations from police functions. Here is, first of all, division of labor. The police power in the widest sense is simply authority to regulate the internal organization of the state; the military arm has to deal with external relations. But this is not the

[1] Adapted from George A. Coe in *The World Tomorrow*, XVI : 177–178 (Feb. 22, 1933).

whole of the difference. Though force is employed by both, and though the state as a whole may be said, in a sense, to rest upon elemental might, there is a sharp contrast between police coercion and military coercion. Armies and navies apply sheer force and nothing else; police coercion applies force, but also law, and these two are not applied in alternation but at one and the same point. Now, this latter application of coercion lays restraints upon the coercer as well as the coerced. Here power checks itself, confessing that some things cannot be done by sheer force. When a sheriff and his prisoner, the strong and the weak, appear before a court, they appear as equals under the law; they are and remain members of each other. War, on the other hand, totally excommunicates the alleged offender; he has no standing in the case at all; the social bond is assumed to be utterly dissolved.

Bearing in mind that a statute or a method of administering it may defeat the true end of law — that is, mutual help and self-evidencing justice — we cannot escape the conclusion that the subjects of formal law must on ethical grounds be the final judges of all formal legal procedures. Many years ago, when Carrie Nation was being shamelessly harried in a Kansas court, a prominent clergyman arose and denounced the judge to his very face. A fine for contempt of court was imposed, but the clergyman continued his castigation. Another fine, until at last the judge must either sentence the clergyman to jail or helplessly listen to him. The judge did not dare to impose the extreme penalty; he listened! The result was that when the clerical apostle of the love that is also justice had finished his deliberately illegal conduct, law in the basic sense of this term had been vindicated and partly re-established in that community.

Similarly, considerations of basic justice may call for resistance to a law in order that it may be amended or revoked. Everybody who understands the debt situation of American farmers knows that to enforce the present laws, which (largely because of a change in the value of the dollar) require many a debtor to pay double the value of what he borrowed, would be profoundly unjust. It would do much to disrupt the relations among men that government is intended to foster. Is it justifiable, then, when a foreclosure sale is attempted, for the farmers to assemble and by force of numbers prevent it, for instance, by hustling away a would-be bidder? Who can say no? And who can doubt that if farmers would generally pursue this policy the result would be better government, not worse?

The other day proponents of farm relief told our lawmakers at Washington that the alternative to effective relief would be revolution. Now, inasmuch as putting one in fear is already the use of violence, this threat of revolution cannot be ethically separated from the act itself. In other words, we of the United States are now already within the process of forcible revolution. In this case forcible revolution does not deny but affirms and seeks to enforce principles that are fundamental to peaceful government as contrasted with war. Here is what is called violent coercion, but it is the diametrical opposite of war.

"The Unwritten Law." Whatever method of getting rid of an unjust or inopportune law is used, the ultimate result can usually be the more effectively accomplished by means of what has often been called the unwritten law, or public opinion. This term "unwritten law" has been variously applied to the habit in some sections of defending one's life or honor, or the honor of female relatives, or of taking revenge upon an invader of marital rights in a third person, without due process of law through the courts. Of course such procedures, if they go unpun-

ished, are upheld by public opinion. Not infrequently public opinion is stronger than law, or proves to be so in the long run. But it is not law, and the application of the term law to public opinion is in reality a figure of speech. Public opinion may in fact have as antiquated and as irrational an origin as custom. At the opposite extreme it may represent the most up-to-date conclusions of ethical and social science. It may promote undesirable results as well as work preventively and constructively, a fact which the writer of the following passage does not sufficiently emphasize.[1]

Common laws are customs that have existed and been recognized "time out of mind, to which the memory of man runneth not to the contrary"; not superseded or contradicted by statute laws, or decisions of courts. The unwritten law is the outgrowth of popular opinion, drawn from all other laws, or based upon great emergencies that cannot be met or overcome by established laws, customs, or rules of conduct. This unwritten law must be sustained by public opinion, and when accepted and endorsed by a majority of the people, becomes stronger than all other laws. It creates tribes, kingdoms, empires, and republics; makes, unmakes, and remodels governments; lifts ordinary men from obscurity, and sinks great men below the common level of their fellows. It is the great unknown power of the people, subject to no settled rules, liable to unforseen changes — a law of itself.

Unwritten law, or defined public opinion, is drawn from experience, observation, and conclusions of the people, after full discussion and mature deliberation. The force of public opinion gathers slowly and almost imperceptibly; but when it arrives at full heights, it is like the irresistible power of a large body of water, confined and allowed to accumulate until it breaks through all barriers, carrying everything before it. Men yield to its force and turn with its current, as flood-wood drifts with the tide. It is the only element of men's combined influence that cannot be estimated, restrained, or overcome. From the beginning of time up to the present, men, taking advantage of its force, have been carried forward and upward, to distinction and fame, while others, opposing it, have fallen in ignominious defeat.

Saul, the first king of Israel, attempting to resist its power, was overwhelmed. Rehoboam, King of Israel, the son of the wisest and most powerful king, lost his opportunities, disregarding it. Caesar, the greatest general of ancient times, and a statesman of great ability in opposing this law, fell a victim to his presumptuous ambition. Napoleon the First, who spread terror throughout Europe, defying the unwritten law, spent his last days in exile. George the Third, refusing to recognize its force, lost the American Colonies. Napoleon the Third, attempting to defy its power, lost an empire. The advocates of slavery, attempting to resist it, were instrumental in precipitating a terrible war; causing a loss of billions of money, and nearly a million of lives.

Horace Greeley, the leading journalist of America, striving to travel in advance of the slow progress of this law, fell by his persistent effort to forestall public opinion. Sumner, one of our great statesmen, guilty of no other offence than premature political reform was crushed. Grant, recognized as a great military leader; esteemed and respected at home and abroad, attempting a daring violation of the unwritten law against a third term, suffered defeat at the Chicago Convention. Conkling, the imperial leader of bossism, disdaining this law, met rebuke at Albany.

[1] From James A. Lowrey, *Essays on Moral, Social and Political Subjects*, 1882, pp. 88–92.

Party leadership, bossism, machine politics, ring management, monopolistic control, dishonesty in politics, and the corruption of the ballot box at primary and general elections, are all in violation of this controlling law, and must sooner or later yield to the force of public opinion. . . .

It is the renovator and purifier of public policy, coming up from past ages, first as a glimmering luminary, almost obscured by the haze and mist of ignorance and dishonesty, now shining forth, spreading its refulgent light on the people of every civilized nation. It is progressive, without being aggressive; persuasive and convincing, without being antagonistic; changing established customs and laws that are prejudicial to man's comfort and happiness, without disturbing or interfering with the existence of good governments. It conquers by the force of reason, without recourse to the barbarous use of the sword, or other weapons of death except in cases of necessity. It teaches men to obey the laws that exist, until they can be modified, amended, or changed, so as to produce the greatest good to the greatest number, without disturbing peace, infringing rights, or usurping authority.

Limitations of the Law as a Social Control. Law proceeds in its work of controlling men and social institutions in a number of ways, none of which function perfectly. It provides protection for the public, both by forceful restraint of evil doers and by prescription of conduct advantageous to people in regard to such matters as health and sanitation, the conditions of labor, fire hazards, traffic regulation, and many other matters. The law also offers a remedy to those whose rights to life, liberty, and safety have been invaded, and it provides courts and a machinery of justice for the redress of such grievances. It goes further and provides by constitution and statute for various types of punishment of those who invade the rights of others or who pervert or neglect the social institutions upon which our welfare depends. All these functions of law are excellent and necessary, as we have already seen. Their existence affords a very fine evidence of the thought that the more responsible members of society have given to the problem of the promotion of social welfare by means of legislation.

But in spite of all these endeavors to use law for social betterment, it must be quite clear from what has been said in this chapter that law is after all a somewhat clumsy instrument for the promotion of social welfare. It is all too frequently used as a cudgel with which to repress bad behavior instead of as an incentive to better conduct. Until we can greatly improve the law by introducing into it a much more refined analysis and administration than it is now capable of (and perhaps in any considerable degree ever will be capable of) it must continue to fall short of the degree of perfection that is most desirable. It always has to be supplemented by other controls, such as public opinion and education. The former of these supplementary controls is, like law, coercive, while the latter works largely from within. To education as a social control we shall devote a separate chapter. It seems desirable at this point to summarize some of the difficulties

which prevent law from achieving adequately the fine work of social protection and promotion for which it is designed.

Its dependence upon other social controls, such as the schools, the press, social discussion, discipline in industry, morals, religion, and a host of opinion-making agencies, has already been indicated. This interdependence of social control processes is perfectly normal. The best results are to be achieved by such cooperation. To these other control agencies law can give as much support by its definite prescriptions as it receives from them. But law suffers from a number of positive and negative limitations which are sometimes of a serious character. It has long been recognized that law usually lags behind morals and public opinion and therefore cannot lead in the constructive control and guidance of society. Law is dependent primarily for its value upon its enforceability. It cannot be enforced adequately unless it has the sanction of public aproval. It is probable that laws of the highest ethical value would be the least enforceable. We have already considered cases that illustrate this fact. Then, too, the law cannot go in its constructive program beyond the capacity of the ordinary individual to understand its aims and methods. This is a very great limitation upon the effectiveness of law. If it attempts to force the individual blindly into a program which he does not comprehend, however good this program might be for him, he is sure to respond ineffectively and even antagonistically, as the unhappy experience of Joseph II of Austria has proved. Besides, forcing men through good laws is tyranny, but a much more desirable form of tyranny than forcing them by means of bad laws. Law, in order to achieve its greatest effectiveness, must carry the men in whose interest it is made along with it.

Three Essential Services — Free Justice. The expensiveness of the law is another major drawback upon its efficiency as it is now administered. Three services to mankind should be free, because their value for the good and well controlled life is so great. These services are enlightenment, health, and justice. To make these services free would not render them costless. It would merely shift the burden of payment from the individual to the community to be met through taxation. In this way these three great essentials would be made adequately available to everyone. Already we have gone far toward making enlightenment or education free for all through the public schools, public libraries, lectures, and the like. We are perhaps at the beginning of a program for making the advantages of hygiene, surgery, and sanitation adequately available for all. But we have gone a much shorter distance in the direction of providing free justice. Yet it is one of the major needs of our civilization. But even if justice

was free in the courts we should still not have justice in reality without the reform of our highly antiquated court procedure. Nor could all questions of social adjustment ever be handled through the courts. The volume would be too great. Most adjustments can and should be cared for privately or through some other less formal institution to which the petitioners are better known personally. This limitation upon the power of the courts to intervene is further illustrated by the fact that in their formal procedure the courts can operate only where proof of all the pertinent facts is possible. Many conflicts in adjustment are due largely to matters of opinion, temperament, or desire. Some forms of the courts, such as those of domestic relations, do attempt to take cognizance of such cases; but usually they must be handled by other agencies or by private agreement among the individuals themselves. Thus altogether the law has many limitations upon its usefulness, not the smallest of which is the fact that the poor are often denied justice because they cannot afford to pay.

The Constructive Functions of Law. But we must not suppose that law has reached the limits of its usefulness. In spite of its limitations it is capable of much greater constructive development than it has as yet attained. In an ideal society, in which every member had achieved a high degree of respect and consideration for the rights and welfare of other members, knowledge of the ethical and social sciences might gradually supplement and even replace law as a social control, in much the same way in which law is supplementing and replacing custom. But as yet men are not sufficiently considerate of their fellows to make this substitution possible. Perhaps they never will be. We are still compelled to call upon law to formulate and enforce those relationships and performances in society that are most necessary to prevent evil doing and to promote social welfare. It may be interesting, therefore, to have a brief summary of the constructive functions of law from the standpoint of its present achievements and its future possibilities.

There are, of course, many constructive measures which the law is taking and may yet undertake to render it more adequate in the performance of these functions. The law is, for instance, one of the most effective stabilizing factors in society, although the stabilization it achieves is sometimes on a fairly low and conservative regimented level. A reasonable degree of stability is absolutely essential to social welfare. The law also does much to enforce the recognition and observance of any real equality among the members of society who might otherwise be the victims of exploitation more frequently than they now are. Yet the law, especially in its application more than in legislation, sometimes foments and perpetrates inequality. By the same token, law is helping to break down that exploitive individualism that formerly

dominated society. It recognizes social and communal interests increasingly and compels cooperation in their promotion and realization. The recent steps taken to regulate the New York Stock Exchange and the issuance of securities and the intervention of government in labor disputes under the sanction of new labor adjustment laws are illustrative cases in point.

There are many constructive services that the law may yet help to promote through future progressive legislation and enforcement. It has already done something for the conservation of human and natural resources and for the economical administration of government. It could do much more. It has done better in the promotion of education, literature and art, and it is beginning to make very important contributions to the promotion of scientific investigation and experimentation in the physical sciences. It must sooner or later perform like services in the field of the social sciences and arts. Law and legislation are ever bringing new aids to industrial development, but as yet its emphasis is still upon the promotion and protection of private profits in business. These of course are necessary in reasonable amounts. But greater than profits are social welfare and the spirit of social service. Law has not yet done a great deal to foster this last.

Summary and Conclusions. The argument of this chapter has been to show that historically there has been a development of formal objective social controls away from custom toward law, and that furthermore there has been a development within the law as a social control from the relatively customary toward the rational elements based on the ethical and social sciences. Thus social controls of the political or quasi-political sort in custom and law tend to become both analytically more intelligent and ethically more alert and advanced. Law itself has tended to advance from a predominantly repressive instrument of social control intended primarily to keep the peace and repress unauthorized criminal and exploitive practices toward an increasingly preventive and even a constructive social agency for positive social welfare. Although it is difficult for the cumbersome and somewhat obtuse system of practical justice as administered in the courts to utilize to an adequate degree the findings of ethical and social science, and of science in general, the trend is definitely in this direction. New aids and devices are constantly being offered the courts by psychologists, educationists, and sociologists to make more effective such efforts. There is a perceptible tendency on the part of the courts, although generally conservative, to make use of some of the simpler of these devices. Ultimately we may hope to see law itself developed into a true social science in place of its present status of predominantly a body of accumulated precedent and a hodge-podge of more or less

partisan legislative opinion. By the same token the administration of justice in the courts may some time evolve from its present condition of a contest of two or more paid champions armed with technicalities before an umpire fortified with an antiquated code of court procedure into a genuinely investigatory process capable of getting at the intrinsic merits of the case. But such eventualities, however desirable they may be, are perhaps not yet imminent.

STUDENT EXERCISES

1. What is the relation of this chapter to the two that immediately precede it?
2. What is its relation to the chapter on Supernaturalistic Controls? How does its emphasis differ from that of the previous chapter?
3. Why was early man without the concept of law?
4. Why did custom grow up unconsciously instead of consciously?
5. Why did law begin in the form of negative commandments?
6. Why were early custom and law supposed to be derived from the gods?
7. Describe the way in which the early codes arose.
8. How did this differ from the way in which modern codes have come into existence?
9. List all of the forms in which modern laws are to be found.
10. Who makes these laws in each case? Who enforces them?
11. Why was custom so important for man in early society?
12. In what respects is law superior to custom in performing this same function at the present time?
13. Distinguish law and custom.
14. What are the chief disadvantages of custom as a social control?
15. Were these disadvantages as keenly felt in early society as they would be now?
16. Through what stages or forms of development has law gone in historic times?
17. What are the emphases of law as a social control at the present time?
18. What are the chief trends in the development of law as a social control?
19. What other forms of social control supplement and aid law? What aid do they render?
20. Give an account of instances of the defense of custom as a control, as opposed to other forms of social control, that you have observed or known.
21. Give other instances than those cited in the text in which popular subserviency to custom has hindered the development of popular rights and interests.
22. Give instances also of a similar conflict between law and popular interests.
23. What relations do you find between custom and ethics?
24. Between law and the social sciences?
25. Between law and ethics?
26. What should be the final criteria in using law as a social control?
27. Cite and explain other laws made for moral and social improvement in addition to the one mentioned in the text. Were they successful?
28. Can you name any cases in which you think it would be proper to apply Professor Coe's principle of resistance to bad or unintelligent laws?
29. Have you known of any cases in which public opinion prevented the enforcement of law?
30. In which public opinion compelled the repeal or modification of a law?
31. Name other methods of modifying, of setting aside, or of securing the enactment of laws.

32. What fundamental differences in viewpoint are to be discovered between the arguments of Mr. Wheeler and Professor Coe as stated in this chapter? How can you explain these differences?

33. Can you name other limitations to the law not specified in this chapter?

34. What improvements in law as a social control do you think are feasible and desirable?

35. The instructor may find it worth while to have students make lists of customs now operative as controls in special fields of social behavior.

36. He may also find it worth while to have the students consult the chapters on custom and convention in E. A. Ross' *Social Psychology*.

37. Another project exercise that may be undertaken in classes that have the time at their disposal is the classification of the various branches of law and the discussion of their relative value and efficiency for purposes of social control.

38. The students should be asked to weigh critically the arguments in favor of control by custom as opposed to law as presented in the selection taken from Goldsmith.

39. John M. Zane's *The Story of Law* may be consulted for an attractive presentation of the development of law in various cultures.

40. Excellent projects to assign to the students are attendance upon various available types of courts and legislative bodies, whose methods and apparent objectives they might be encouraged to evaluate.

41. The case of conflict of customs and conventions described and discussed by Bernard De Voto in *Harper's Magazine*, July, 1937, especially pp. 221–224, should be given careful attention by the class, since it is so typical of many of these conflicts of the present day.

42. Students should be asked to report other similar cases, but not alone touching the teaching profession.

43. These cases should be analyzed for the purpose of bringing out the issues involved and the necessary principles to be applied in social control.

44. The students should compare the cases from Vincent with that from De Voto (see exercise 41). What similarities are found?

45. What fundamental differences are observable as to the utility of these two types of cases?

46. What cases similar to those described by Vincent can be found in American history?

47. Why has such legislation so largely disappeared?

48. The students should be able to point out in detail the difference between pseudo-moral "blue law" legislation and laws made on the basis of scientific knowledge in the interest of public or social welfare.

49. State other illustrations of social welfare legislation in addition to that given in the text.

50. Distinguish between cases of regimentation and cases of social control by means of scientific standardization as described in this chapter.

51. Name a number of ways in which law is aiding scientific investigation and invention in the physical sciences.

52. In what ways might law and legislation promote scientific investigation and social welfare through the social sciences, as suggested in the text?

53. What are some of the aids suggested by psychologists, educationists, and sociologists for the improvement of the administration of justice in the courts? If there is time for this a number of such proposals might be assigned to members of the class for report.

Chapter XX

SOCIAL CONTROL BY MEANS OF LEGISLATION

Connection with Law. The close connection of legislation with law as a means of social control is obvious. We have already called attention to the fact that the most advanced method of producing law is through legislation. This is particularly the case when legislative activities are carried on under the direction of, or in close cooperation with, experts in the social sciences and in the other sciences. Unfortunately our legislative bodies do not as yet consist of persons especially trained or otherwise properly equipped for the task they are to perform. The ideal legislature would be one made up primarily of social science experts, including also persons who were versed in the mechanisms of government, legislative practice, and law enforcement. Very probably we shall move in this direction sometime in the future. Already some progress of this sort has been achieved.

It is through legislation that law makes one of its chief contacts with social welfare, which should be the chief objective of social control in a highly civilized society. Law makes other primary contacts with social welfare through law enforcement, or the administrative arm of the government, and through the machinery of the dispensation of justice, or the courts. We have no special chapter on law administration, although the subject is dealt with incidentally throughout this volume. The problem of the dispensation of justice was touched upon in the preceding chapter. Both of these subjects belong primarily to political science, although they also have important sociological aspects. Legislation is much more definitely a sociological problem, in many of its phases, and will as a consequence be dealt with at some length in this chapter.

Sociological Problems in Legislation. There are a great many sociological problems of importance connected with legislation. We cannot discuss all of them here, even with the greatest brevity. The composition of legislatures and the training, background, and special interest connections of their members is a fertile field for analysis and we shall give some space to it. The technique of legislation, except in a few of its psycho-social aspects and group control processes, belongs particularly to political science. Matters of salaries and perquisites of legis-

lators have their significance for both the problem of the quality of the members and the value of the product they turn out, and for the general problem of social control. It is not ordinarily possible to secure a high quality of legislation from a class of legislators who look upon a petty salary as a desirable political perquisite. Such a salary means either that the legislator who accepts it is incompetent or a philanthropist on the one hand or that he is in the pay of some special interest who has an ax to be ground at the legislative grindstone. Even a very casual inspection of our legislative bodies will show that they very seldom harbor any philanthropists. Yet, fortunately, most legislatures do contain a few public spirited persons who are responsible for most of the good laws achieved there and for the defeat of most of the bad laws that are kept off the statute books.

Problems to which we shall be able to give more attention in this chapter are fairly definitely sociological and psycho-sociological. The social aims or objectives of legislation is one of these. Legislation as a means to social reform and as a means of obstructing social reform will be one of the primary or incidental concerns throughout the chapter. We shall also attempt to indicate some of the more important concrete current problems of legislation for the promotion of social welfare. Of course these are very numerous and would require a separate volume for their proper treatment. Here we can present only a few samples very briefly.

Objectives of Welfare Legislation. Since we are dealing with legislation primarily from a sociological point of view, we limit our treatment to its use as a social welfare control. Our first task therefore is to define the welfare objectives of legislation. The passage from Bentham that occurs below states these objectives only in the most general way and is meant merely to serve as an introduction to the subject. All of his four general categories should of course be broken up into numerous constituent aims and objectives, and in a special treatise on welfare legislation they would be. In the present chapter we shall specify some of the more important of these subdivisions as we proceed. In the present connection the reader should substitute the word "welfare" for the word "happiness," as it occurs in Bentham's statement, in order to bring the context definitely into line with modern verbal and conceptual usage. The objectives of civil legislation as stated by Bentham are as follows:[1]

In prescribing and distributing rights and obligations, the legislator should, as we have pointed out, seek as his end and aim the happiness of the body politic. Inquiring more particularly wherein this happiness consists, we find four subor-

[1] Adapted from *Bentham's Theory of Legislation* (Atkinson's Edition, Oxford University Press, London, 1914), I: 123–125.

dinate objects: "Subsistence," "Abundance," "Equality," "Security." The more perfect the enjoyment in all these respects, the greater the sum of social happiness, and especially of that happiness which is dependent upon the laws. Hence we conclude that all the functions of law may be referred to one or other of these four heads: to provide subsistence, to aim at abundance, to encourage equality, and to maintain security. This division does not possess all the clearness and precision one could wish: the bounds of these objects are not always easy to determine, for they approach each other at various points, and become, more or less, confused. But the classification is justified by its completeness, and by the fact that we are often called upon to consider each of the objects comprised in it separately, and as distinct from the others. "Subsistence," for example, is included in "abundance": and yet it is very necessary to consider it separately; inasmuch as the law ought to approve many things with a view of providing subsistence, which it should by no means suffer for the mere purpose of promoting abundance.

"Security" admits of as many distinctions as there are kinds of action which may come in conflict with it. It has relation to a man's person, his honour, his property, and his status. Acts injurious to security, when expressly prohibited by law, assume the character of crimes.

Of these objects of the law, "security" is the only one which, of necessity, comprehends the future. We may have to consider "subsistence," "abundance," or "equality," in regard to a mere moment of time; while "security" implies extension, in point of time, to all the benefits which it embraces. "Security" is, then, the principal, indeed the paramount, object.

I have ranked "equality" among the objects of the law. In any arrangement contrived to give to all men the greatest possible sum of happiness, there is no reason why the law should cast about to give more to one man than to another. On the contrary, there are excellent reasons why it should not do so. The advantage which would accrue on one side would never balance the disadvantage experienced on the other; for the pleasure will extend only to the person favoured, while the pain will extend to every one of those who do not share the favour. Equality may be encouraged both by safeguarding it where it exists already, and by seeking to promote it where it is not yet to be found. But herein lies the peril: a single mistake may overthrow social order and dissolve the bonds of society.

Some persons may be surprised to find that "Liberty" is not ranked among the principal objects of the law. But, if we would avoid confusion, we must regard it as a branch of "Security." "Personal liberty" is security against a certain class of wrongs which affect the person; while what is called "political liberty" is also a branch of security — entrusted with government.

The Welfare Problems of a Generation. Near the beginning of the present century — in 1911, to be more exact — one of our leading and most public spirited social reformers mapped out a program of urgent requirements for social welfare legislation. It is very interesting to look over his list of concrete legislative objectives and to see what a large portion of these have now been enacted into law. In a few cases the law has gone perhaps a little further than he advocated, but in most instances it has not quite included all of his demands. That so large a program of major civic improvements should have been so nearly completely embodied in legislation in less than one generation is very

significant from the standpoint of the value of legislation for purposes of constructive social control. It is scarcely to be expected that any one person, however wise he might be, could forsee all of the legislative welfare needs of a people a generation ahead. Some new major problems that we consider very important are not included in the following list. Perhaps also not everyone would agree with the author as to the advisability of all of the reforms that he suggests. It is, however, a most interesting list, both as an illustration of the concrete problems of social welfare legislation that confront a people and as an approximate record of legislative achievement for social welfare. It included altogether nearly forty items, such as the initiative and the referendum, direct nominations by petition, proportional representation, preferential voting, extension of the civil service and abolition of the spoils system, municipal home rule, non-partisan elections, public ownership, extension of the municipal public debt limit, progressive income and inheritance taxes, socialization of land values, regulation of corporations, conservation of natural resources, the parcels post, nationalization of the telephone and telegraph, postal savings banks, government insurance, public loan offices, direct election of United States senators, limitation of the autocratic power of the speaker of the national House of Representatives, old age pensions, industrial arbitration, the eight hour day, guaranteed employment for labor, eugenic legislation, protection of motherhood, prohibition of child labor in mines and factories, normal conditions for child development, criminal law reform, improved immigration laws, slum clearance, taking the profit out of the liquor business, industrial education, vocational guidance, and education for citizenship.[1]

What Can Be Expected of Legislatures in the Way of Public Welfare? If one looks closely at the list of legislative reforms urged by Dr. Parsons a generation ago, he will see that most of them are quite general in scope and have been attacked largely through national legislation. It is usually easier to get good legislation through the Federal Congress than through the state legislatures, although a few progressive commonwealths may prove an exception to this rule. The personnel of the congressmen is usually of a higher order and the public eye is more relentlessly concentrated upon them. State legislatures differ a good deal in their responsiveness to popular demands for welfare legislation. In some of the more progressive states, where popular intelligence is good and the public conscience is alert, much good legislation is passed. Other state legislatures seem to be dominated by back-alley politicians who sell the people's birthright to the highest bidders. They stand as

[1] Frank Parsons, *Legal Doctrine and Social Progress* (Viking Press, New York, 1911), pp. 120–147.

a barrier to all good and progressive measures that come before the legislative body and so effective is their organization of the members of the body into a great exploitive mechanism that they can more or less openly defy all of the decent organizations interested in social betterment throughout the state. Rarely do metropolitan newspapers give sufficient attention to state legislatures and legislators to bring their acts and political allegiances sufficiently into the limelight. In almost every state the meeting of the state legislature is a signal for anxiety and cynicism. The following editorial from one of the most militant dailies in defense of public rights expresses both of these attitudes, while at the same time it incidentally lists some of the more important current legislative welfare problems coming up for consideration.[1]

Missouri's Fifty-ninth General Assembly convenes tomorrow. Excepting only 17 holdover Senators, all its members were either elected or re-elected last November. The administration with which these legislators will work — that of Gov. Lloyd C. Stark — was voted into office in the same great outpouring of the people to the polls.

The new Legislature, then, begins afresh. However disappointing its recent predecessors have been, however much the lobbyists and special interest seekers have won out over the needs of the public in the past, the meeting of our lawmakers at Jefferson City tomorrow raises the perennial hope that the interests of the people will be served.

What kind of record will the Legislature write on the clean page now opened before it? Obviously, final judgment cannot be entered until adjournment, and that is many weeks, perhaps several months, away. But within a short while, observers of legislative practices at Jefferson City will be able to tell whether the Legislature is rising to its opportunity or defaulting as all too many sessions have done.

Will the Legislature take hold of the social security problem, think it through and enact the comprehensive program of laws which conditions require?

Will it recognize the failure of the old-age pension statute of the last session, overhaul that inadequate measure and keep the faith with the State's indigent aged?

Will it throw together a politically-made unemployment compensation law or will it employ the best counsel it can obtain in drawing up a law which will meet the fund-matching requirements of the Federal Government?

Will the Legislature accept the report of retiring Gov. Park's Committee on Social Security as the excellent study of social security needs which it is?

Will it take politics out of the State Health Board, as recommended by the Surgeon-General of the United States, by changing the basis of the terms of members so that appointees would serve staggered terms instead of terms which expire at the same time?

What will the Legislature do about the many worthy causes which have been rejected one session after another?

Will it modernize the criminal code so that procedure in trials in Missouri will not protect criminals at the expense of society? Will it take criminal procedure in

[1] From the St. Louis *Post-Dispatch*, Jan. 5, 1937.

Federal courts as its example and make the long-overdue changes which would mean surer justice, fewer delays and greater fairness all around?

Will it pass a State drivers' license law and in the doing provide in Missouri the check on incompetent automobile operation which has done so much to reduce the carnage on highways and streets in many other states?

Will it give Missouri permanent registration and thereby strike at the vote frauds in St. Louis and Kansas City, at the same time acting in the interests of economy and convenience to voters?

Will it authorize a thorough survey of administration in Missouri, with a view to overhauling the State's numerous departments, boards, agencies and commissions in order to eliminate duplicated and hence inefficient services?

What will the Legislature's fundamental concept be? Will its members look on votes for or against bills as suitable trading material in the acquisition of places on the State payroll for their political aids? Or will they rise to their opportunity to give Missouri a session that will be distinguished for its devotion to the needs of the State and its people?

These are questions which Missourians are asking themselves on the eve of the Legislature's convening. They are questions which every legislator, new and old, ought to be putting to himself in the spirit of an earnest searching of the heart.

The men who gather at Jefferson City tomorrow are the elected representatives of the people in theory. Will they be so in practice?

Why the People Do Not Get the Laws They Need. It may seem strange that in a supposedly democratic system like ours a responsible daily paper should be compelled to ask the questions listed above. Such questions are an obvious confession that we as a people do not secure the legislation which we need and desire. It is indeed strange that in a political system especially designed to give the people the laws they wish they should nevertheless fail to get them. But such is the case. It is important, therefore, seriously to raise the question as to why the people are unable to secure needed legislation. In the next few pages we shall consider this question in some detail. Among the answers to this question are of course statements that the people really do not desire good laws; that they do not know what constitutes good legislation; that any people have the laws they deserve; and that the majority of the people are like their legislators, out for what they can get for themselves, and that really good laws would embarrass them in "their struggle to get whatever might be loose." It is indeed true that the people as a whole are but poorly informed both as to the nature of good laws and as to their own needs in this connection. Without doubt they are greatly in need of education along both these lines. It is also true that they are much less vigilant and persistent in striving for the good laws they do recognize as desirable than they should be. This also is perhaps largely due to a grievous defect in their education. Equally must it be recognized that many people are so unsocialized or anti-social in their attitudes that they would prefer

to take their chances at being able to exploit others with poor and inadequate laws than to seek for social security with the aid of the excellent system of legislation discussed briefly above. But these do not appear to be the chief obstacles to the realization of an adequate legislative program for social welfare. Some of the more applicable explanations are treated in what follows.

What Legislators Are Like. The chief reason why legislation is so disappointing is the character of some of the legislators and the anti-social conditions that are responsible for them. It is not the people who control them, but various powers behind the scenes. Nor is it the people whom they serve, but again these same powers and interests who operate the controlling wires in secret and cause the legislators to do their bidding, always of course for a consideration of some sort or other. Our party system has become a gigantic "racket" which corrupts the body politic, or at least a sufficiently large portion of it to prevent good legislation in the interest of the people and to insure legislation in behalf of the special exploitive interests. The following brief account of these evil influences upon legislation is rather mild than otherwise, and it applies even more strongly to state and local legislative bodies than to the National Congress; although it characterizes the latter also. The explanation of why the western states generally secure better legislation than the eastern states still applies in considerable measure, although the frontier conditions are rapidly passing in the West.[1]

A large majority of our law-makers are lawyers and business men, and but a very small number are selected from farms, shops, or the fields of labor. Partisan orators and political demagogues entertain voters during an active political campaign, by eulogies of the honest yeomanry and the toiling masses, who fight the battles, till the soil, work the mines, fill the workshops, construct railroads, and develop the resources of the country; but when offices are to be filled, they are taken by politicians, and the producers of wealth are allowed to remain at home. This enables capitalists to procure legislation in their own interests and that of professional men, without proper recognition of the rights and interests of the mass of the people, who contribute most to the prosperity of the country. Four-fifths of the members of legislatures in the Middle, Southern and Eastern States are lawyers, capitalists, and business men, leaving the representatives of farmers, mechanics, and laboring men a helpless minority.

The large number of lawyers in every county makes it difficult for beginners to secure a lucrative practice, and drives many into politics and finally into the legislatures; most of them are needy, and ready to accept considerations for their services, claiming that they earn the considerations by professional services. Laws framed and enacted by such men do not meet the wants of the people. In the Western States, a larger proportion of representatives are selected from the ranks of the people; the result that follows is visible in the codes of the Western

[1] James A. Lowrey, *Essays on Moral, Social and Political Subjects*, 1882, pp. 81–83.

States, which are much better than in the other States. The success of political parties is an important factor in law-making. Political jobbery makes it difficult for honest legislators to secure fair legislation. Party bosses adopt plans for the party, and muster members of their party in caucus, and instruct them regarding the course to be pursued. Hydra-headed King Caucus deals with a tyrant hand, and partisans must obey.

The influence of lobbyists in legislation has become a formidable evil. Men, destitute of integrity — professional corruptionists — frequent legislative halls, interview members to induce them to support special legislation, or to defeat bills presented in the interests of the people. Congressional legislation has become so much tarnished with partisan intriguing and political corruption, that it can hardly be called law-making. Evading the law, distributing spoils, collecting contributions for campaign purposes, and supporting parties and party leaders, monopolize the time and attention of a majority of Senators and Congressmen. There are a few members in each branch who respect the interests of the people; but they constitute such a small minority, that they can only protest against the course pursued by the majority.

Country *vs.* City Legislators. The contrast between eastern and western state legislators finds a parallel in that between urban and rural members. Here we have another partial explanation of why our legislation is unsatisfactory. There have been few keener political observers than Theodore Roosevelt. Consequently his testimony on this point will be of value in giving us information regarding the characteristics of those who make our laws. His statement follows.[1]

The representatives from different sections of the State differ widely in character. Those from the country districts are generally very good men. They are usually well-to-do farmers, small lawyers, or prosperous store-keepers, and are shrewd, quiet, and honest. They are often narrow-minded and slow to receive an idea; but, on the other hand, when they get a good one, they cling to it with the utmost tenacity. They form very much the most valuable class of legislators. For the most part they are native Americans, and those who are not are men who have become completely Americanized in all their ways and habits of thought. . . .

It is from the . . . great cities that the worst legislators come. It is true that there are always among them a few cultivated and scholarly men who are well educated, and who stand on a higher and broader intellectual and moral plane than the country members, but the bulk are very low indeed. They are usually foreigners, of little or no education, with exceedingly misty ideas as to morality, and possessed of an ignorance so profound that it could only be called comic, were it not for the fact that it has at times such serious effects upon our laws. It is their ignorance, quite as much as actual viciousness, which makes it so difficult to procure the passage of good laws or prevent the passage of bad ones; and it is the most irritating of the many elements with which we have to contend in the fight for good government.

An Explanation of Legislative Bribery. The practice of bribery is a third reason why we have unsatisfactory legislation. Every now

[1] Adapted from Theodore Roosevelt, *American Ideals* (G. P. Putnam's Sons, New York, 1897), pp. 119–121.

and then a "reform administration" is elected in some state and it endeavors to "clean up" the political situation, just as occasionally the people insist on having a city council or police department exposed and renovated. State cleanings usually result in sending sample legislators to the public laundry where they are either scrubbed or whitewashed and sent back for inspection. It is then that the rather ignorant and the gullible — sometimes the "don't care" — public learn that there is graft in their legislature. Of course, there has been graft all along, but graft naturally operates as largely as possible in secret, and as a consequence most of the people — whose attention is concentrated on the movies, cheap radio programs, athletics, fashions, liquor, cigarettes, and automobiles — know little or nothing about it. Sometimes it is more rampant than at others. Again we shall allow Theodore Roosevelt to speak concerning graft in the legislature.[1]

In each of the last three legislatures there were a number of us who were interested in getting through certain measures which we deemed to be for the public good, but which were certain to be strongly opposed, some for political and some for pecuniary reasons. Now, to get through any such measure requires genuine hard work, a certain amount of parliamentary skill, a good deal of tact and courage, and above all, a thorough knowledge of the men with whom one has to deal, and of the motives which actuate them. In other words, before taking any active steps, we had to "size up" our fellow-legislators, to find out their past history and present character and associates, to find out whether they were their own masters or were acting under the directions of somebody else, whether they were bright or stupid, etc., etc. As a result, and after very careful study, conducted purely with the object of learning the truth, so that we might work more effectually, we came to the conclusion that about a third of the members were open to corrupt influences in some form or other; in certain sessions the proportion was greater, and in some less. . . .

It is almost impossible actually to convict a legislator of bribe-taking; but at the same time, the character of a legislator, if bad, soon becomes a matter of common notoriety, and no dishonest legislator can long keep his reputation good with honest men. If the constituents wish to know the character of their member, they can easily find it out, and no member will be dishonest if he thinks his constituents are looking at him; he presumes upon their ignorance or indifference. I do not see how bribe-taking among legislators can be stopped until public conscience becomes awake to the matter. Then it will stop fast enough; for just as soon as politicians realize that the people are in earnest in wanting a thing done, they make haste to do it. The trouble is always in rousing the people sufficiently to make them take an *effective* interest, — that is, in making them sufficiently in earnest to be willing to give a little of their time to the accomplishment of the object they have in view.

Much the largest percentage of corrupt legislators come from the great cities; indeed, the majority of the assemblymen from the great cities are "very poor specimens" indeed, while, on the contrary, the congressmen who go from them are generally pretty good men. This fact is only one of the many which go to establish the curious political law that in a great city the larger the constituency which

[1] Adapted from Theodore Roosevelt, *American Ideals* (G. P. Putnam's Sons, New York, 1897), pp. 122–129.

elects a public servant, the more apt that servant is to be a good one; exactly as the Mayor is almost certain to be infinitely superior in character to the average alderman, or the average city judge to the average civil justice. This is because the public servants, of comparatively small importance are protected by their own insignificance from the consequences of their bad actions. Life is carried on at such a high pressure in the great cities, men's time is so fully occupied by their manifold and harassing interests and duties, and their knowledge of their neighbors is necessarily so limited, that they are only able to fix in their minds the characters and records of a few prominent men; the others they lump together without distinguishing between individuals. They know whether the aldermen, as a body, are to be admired or despised; but they probably do not even know the name, far less the worth, of the particular alderman who represents their district; so it happens that their votes for aldermen or assemblymen are generally given with very little intelligence indeed, while, on the contrary, they are fully competent to pass and execute judgment upon as prominent an official as a mayor or even a congressman. Hence it follows that the latter have to give a good deal of attention to the wishes and prejudices of the public at large, while a city assemblyman, though he always talks a great deal about the people, rarely, except in certain extraordinary cases, has to pay much heed to their wants. His political future depends far more upon the skill and success with which he cultivates the good-will of certain "bosses," or of certain cliques of politicians, or even of certain bodies and knots of men (such as compose a trade-union, or a collection of merchants in some special business, or the managers of a railroad) whose interests, being vitally affected by Albany legislation, oblige them closely to watch, and to try to punish or reward, the Albany legislators. These politicians or sets of interested individuals generally care very little for a man's honesty so long as he can be depended upon to do as they wish on certain occasions; and hence it often happens that a dishonest man who has sense enough not to excite attention by any flagrant outrage may continue for a number of years to represent an honest constituency. . . .

Moreover, a member from a large city can often count upon the educated and intelligent men of his district showing the most gross ignorance and stupidity in political affairs. The much-lauded intelligent voter — the man of cultured mind, liberal education, and excellent intentions — at times performs exceedingly queer antics.

Accessories to Bad Legislative Practice. The professional politician is skilled in turning all sorts of situations to account. In one way or another he manages to bring men who would not otherwise be corrupted into his net and thus to force them to do his bidding. We have already had some illustrations of how this is done. It is not always money, nor even power, that constitutes the successful bribe. It may be blackmail, or the difference between success or failure in the eyes of his constituents, that causes the legislator to sell out to the enemies of the people. Says Theodore Roosevelt,[1]

The array of vicious legislators is swelled by a number of men who really at bottom are not bad. Foremost among these are those most hopeless of beings who are handicapped by having some measure which they consider it absolutely neces-

[1] Adapted from Theodore Roosevelt, *American Ideals* (G. P. Putnam's Sons, New York, 1897), pp. 137–142.

sary for the sake of their own future to "get through." One of these men will have a bill, for instance, appropriating a sum of money from the State Treasury to clear out a river, dam the outlet of a lake, or drain a marsh; it may be, although not usually so, proper enough in itself, but it is drawn up primarily in the interest of a certain set of his constituents who have given him clearly to understand that his continuance in their good graces depends upon his success in passing the bill. He feels that he must get it through at all hazards; the bad men find this out, and tell him he must count on their opposition unless he consents also to help their measures; he resists at first but sooner or later yields; and from that moment his fate is sealed, — so far as his ability to do any work of general good is concerned.

A still larger number of men are good enough in themselves, but are "owned" by third parties. Usually the latter are politicians who have absolute control of the district machine, or who are, at least, of very great importance in the political affairs of their district. A curious fact is that they are not invariably, though usually, of the same party as the member; for in some places, especially in the lower portions of the great cities, politics become purely a business, and in the squabbles for offices of emolument it becomes important for a local leader to have supporters among all the factions. When one of these supporters is sent to a legislative body, he is allowed to act with the rest of his party on what his chief regards as the unimportant questions of party or public interest, but he has to come in to heel at once when any matter arises touching the said chief's power, pocket, or influence.

Other members will be controlled by some wealthy private citizen who is not in politics, but who has business interests likely to be affected by legislation, and who is, therefore, willing to subscribe heavily to the campaign expenses of an individual or of an association so as to insure the presence in Albany of someone who will give him information and assistance.

On one occasion there came before a committee of which I happened to be a member, a perfectly proper bill in the interest of a certain corporation; the majority of the committee, six in number, were thoroughly bad men, who opposed the measure with the hope of being paid to cease their opposition. When I consented to take charge of the bill, I had stipulated that not a penny should be paid to insure its passage. It therefore became necessary to see what pressure could be brought to bear on the recalcitrant members; and, accordingly, we had to find out who were the authors and sponsors of their political being. Three proved to be under the control of local statesmen of the same party as themselves, and of equally bad moral character; one was ruled by a politician of unsavory reputation from a different city; the fifth, a Democrat, was owned by a Republican Federal official; and the sixth by the president of a horse-car company. A couple of letters from these two magnates forced the last members mentioned to change front on the bill with surprising alacrity.

Nowadays, however, the greatest danger is that the member will be a servile tool of the "boss" or "machine" of his own party, in which case he can very rarely indeed be a good public servant.

There are two classes of cases in which corrupt members get money. One is when a wealthy corporation buys through some measure which will be of great benefit to itself, although, perhaps an injury to the public at large; the other is when a member introduces a bill hostile to some moneyed interest, with the expectation of being paid to let the matter drop. The latter, technically called a "strike," is much the most common; for, in spite of the outcry against them in legislative matters, corporations are more often sinned against than sinning. It is difficult,

for reasons already given, in either case to convict the offending member, though we have very good laws against bribery. The reform has got to come from the people at large. It will be hard to make any very great improvement in the character of the legislators until respectable people become more fully awake to their duties, and until the newspapers become more truthful and less reckless in their statements.

It is not a pleasant task to have to draw one side of legislative life in such dark colors; but as the side exists, and as the dark lines never can be rubbed out until we have manfully acknowledged that they are there and need rubbing out, it seems the falsest of false delicacy to refrain from dwelling upon them.

How the Newspapers Mislead the People. The people are often confused about the merits of men and issues, so that they can neither support the best candidates at the elections nor bring pressure to bear upon the worst members of the legislature when they are on the point of betraying their interests. Very few newspapers give an honest and unbiassed exposition of the merits of questions at issue. Also propagandistic lectures distort issues and the pulpit is in many instances either incapable or without the moral courage and devotion to civic welfare which would cause it to offer worthwhile advice to the average citizen in the performance of his civic duties. Since Theodore Roosevelt wrote the passage which follows on the dereliction of the press, the radio has come into existence with even greater capacity and willingness to mislead the people with regard to questions of public welfare.[1]

[The people] often have no means of forming an opinion, except through the newspapers — more especially through the great metropolitan newspapers — and they have gradually come to look upon all statements made by the latter with reference to the honesty or dishonesty of public men with extreme distrust. This is because our newspapers, including those who professedly stand as representatives of the highest culture of the community, have been in the habit of making such constant and reckless assaults upon the characters of even very good public men, as greatly to detract from their influence when they attack one who is really bad. They paint everyone with whom they disagree black. As a consequence the average man, who knows they are partly wrong, thinks they may also be partly right; he concludes that no man is absolutely white, and at the same time that no one is as black as he is painted; and takes refuge in the belief that all alike are gray. It then becomes impossible to rouse him to make an effort either for a good man or against a scoundrel. Nothing helps dishonest politicians as much as this feeling; and among the chief instruments in its production we must number certain of our newspapers who are loudest in asserting that they stand on the highest moral plane. As for the other newspapers, those of frankly "sensational" character . . . there is small need to characterize them; they form a very great promotive to public corruption and private vice, and are on the whole the most potent of all the forces for evil which are at work in the city.

Where the People Are to Blame. That a very large part of the responsibility for failures in welfare legislation must be assessed against

[1] Adapted from Theodore Roosevelt, *American Ideals* (G. P. Putnam's Sons, New York, 1897), pp. 134–136.

the people themselves is unquestionable. It is true that modern political and social life is extremely complex. The schools and the churches do not prepare the young for a proper understanding of these legislative problems nor for an adequate appreciation of the obligations of citizenship. Commercialized amusements consume most of the leisure time of the citizens that should go into the promotion of good government and social welfare. After all, it has been claimed, the citizen gets the sort of government and the sort of laws that he deserves. As the following quotation shows, there is a good deal of truth in this statement.[1]

The people of means in all great cities have in times past shamefully neglected their political duties, and have been contemptuously disregarded by the professional politicians in consequence. A number of them will get together in a large hall, will vociferously demand "reform," as if it were some concrete substance which could be handed out to them in slices, and will then disband with a feeling of the most serene self-satisfaction, and the belief that they have done their entire duty as citizens and members of the community. It is an actual fact that four out of five of our wealthy and educated men, of those who occupy what is called good social position, are really ignorant of the nature of a caucus or a primary meeting, and never attend either. Now, under our form of government, no man can accomplish anything by himself; he must work in combination with others; and the men of whom we are speaking will never carry their proper weight in the political affairs of the country until they have formed themselves into some organization, or else, which would be better, have joined some of the organizations already existing. But there seems often to be a certain lack of the robuster virtues in our educated men, which makes them shrink from the struggle and the inevitable contact with rough politicians (who must often be rudely handled before they can be forced to behave); while their lack of familiarity with their surroundings causes them to lack discrimination between the politicians who are decent, and those who are not; for in their eyes the two classes, both equally unfamiliar, are indistinguishable. Another reason why this class is not of more consequence in politics, is that it is often really out of sympathy — or, at least, its more conspicuous members are — with the feelings and interests of the great mass of the American people; and it is a discreditable fact that it is in this class that what has been most aptly termed the "colonial" spirit still survives. Until this survival of the spirit of colonial dependence is dead, those in whom it exists will serve chiefly as laughing-stocks to the shrewd, humorous, and prejudiced people who form nine tenths of our body-politic, and whose chief characteristics are their intensely American habits of thought, and their surly intolerance of anything like subservience to outside and foreign influences.

From different causes, the laboring classes, even when thoroughly honest at heart, often fail to appreciate honesty in their representatives. They are frequently not well informed in regard to the character of the latter, and they are apt to be led aside by the loud professions of the so-called labor reformers, who are always promising to procure by legislation the advantages which can only come to working men, or to any other men, by their individual or united energy, intel-

[1] Adapted from Theodore Roosevelt, *American Ideals* (G. P. Putnam's Sons, New York, 1897), pp. 145–149.

ligence, and forethought. Very much has been accomplished by legislation for laboring men, by procuring mechanics' lien laws, factory laws, etc.; and hence it often comes that they think legislation can accomplish all things for them; and it is only natural, for instance, that a certain proportion of their number should adhere to the demagogue who votes for a law to double the rate of wages, rather than to the honest man who opposes it. When people are struggling for the necessaries of existence, and vaguely feel, no matter how wrongly, that they are also struggling against an unjustly ordered system of life, it is hard to convince them of the truth that an ounce of performance on their own part is worth a ton of legislative promises to change in some mysterious manner that life-system.

In the country districts justice to a member is somewhat more apt to be done. When, as is so often the case, it is not done, the cause is usually to be sought for in the numerous petty jealousies and local rivalries which are certain to exist in any small community whose interests are narrow and most of whose members are acquainted with each other; and besides this, our country vote is essentially a Bourbon or Tory vote, being very slow to receive new ideas, very tenacious of old ones, and hence inclined to look with suspicion upon any one who tries to shape his course according to some standard differing from that which is already in existence.

Manipulation of Legislation from Within. Much of the difficulty experienced in securing good legislation of course centers within the legislatures themselves. Theodore Roosevelt expressed the opinion that the chief obstacle to good legislation was lack of a clear understanding of the issues involved on the part of the members of the legislature.[1]

The trouble is that on many questions the Legislature never does have the right and wrong clearly shown it. Either some bold, clever parliamentary tactician snaps the measure through before the members are aware of its nature, or else the obnoxious features are so combined with good ones as to procure the support of a certain proportion of that large class of men whose intentions are excellent, but whose intellects are foggy. Or else the necessary party organization, which we call the "machine," uses its great power for some definite evil aim.

Committee Control. Another hindrance is undoubtedly the political distribution of committee chairmanships and memberships, since the committee is usually all-powerful in determining the success or failure of legislation. If a man who is employed by some special interest or interests to defeat certain types of legislation is made chairman of a committee before which these bills will come, their fate is determined beforehand. The editorial quoted below throws some light upon the manner in which committee chairmen are selected. The Hogan referred to in the editorial is said by the daily press to have been at one time head of the so-called "Hogan Gang" and was a member of the state legislature at the time this editorial was written, representing one of the wards in St. Louis in which political manipulation is most common.

[1] Adapted from Theodore Roosevelt, *American Ideals* (G. P. Putnam's Sons, New York, 1897), p. 119.

Liquor bills usually come before the committee on Criminal Justice. The editorial is as follows.[1]

"Jelly Roll" Hogan has pleasantly but firmly declined the chairmanship of the House Committee on Criminal Justice, but Speaker Christy has not wearied of ill-doing. He has again gravely offended public sentiment in naming Thomas J. Gill of Kansas City for chairman of the Committee on Elections.

Why Gill? "Because he is Gil Bourk's man," the speaker is quoted as replying.

Our correspondent goes on to explain that Gil Bourk, who, as a former member of the House was head of the Elections Committee, has recently won promotion in the Pendergast organization and in this sphere chooses not to run himself but preferably sends another to the 70-day session. Bourk chose Gill, and Speaker Christy has done the rest.

Always important, the Committee on Elections is especially so at this time for reasons with which the people of Missouri are familiar. The whole State knows about the fraudulent primary registration in St. Louis, how it was exposed and how Gov. Park sent the Phantoms on their way by removing the Election Commissioners and appointing a new board.

The election frauds in Kansas City are, of course, notorious. Missouri knows about them. The country knows about them. They are a national disgrace. They reached a new high in the November election, where the official returns in some precincts showed a vote that exceeded the precincts' entire population, as reported in the United States Census.

It has been the hope of the people of Missouri, using the language of William Hirth's "If-I-Were-Governor" message, that there would be "such a tightening of our election laws that the man who counts a fraudulent vote, or who casts one, would hear the big gates of the penitentiary clicking behind him ere he had completed his act of treason." What the Legislature may do toward fulfilling that hope will presently be recorded.

We know Mr. Gill only as Speaker Christy has introduced him — "Gil Bourk's man." If the words mean anything, they mean that Mr. Gill is a member of the Legislature by the preferment of a rising officer in the Pendergast organization. If that is so, his political affiliations obviously disqualify him for the chairmanship of the committee that will make or break the proposals offered for strengthening our election laws.

Speaker Christy has made a bad start and is going worse fast.

Shutting Out the Voice of the People. Sometimes a political combine have so consolidated their power that they feel they can openly defy the people in general, or at least that portion of them who take an active interest in the public welfare. Usually they do not go that far. However little attention they may give to the demands of public spirited citizens in reality, and however frequently they may betray their interests in secret, they ordinarily assume an attitude of respectful interest toward them. Yet the reformers are often notoriously unsuccessful in their efforts to secure legislative results. I have watched one poorly paid "lobbyist for the people" go up to the legislature session after session, arguing the cause of humanity until she grew old and frail and I think

[1] From the St. Louis *Post-Dispatch*, Jan. 20, 1937.

actually suffered hunger and want on her meagre allowance, but if she ever had any effect upon the trends of legislation I never heard of it. I have also known whole caravans of members of civic organizations to go up on hearings days only to be insulted by the weary politicians who were tired of being called to account and admonished by the small minority of voters who took an active interest in good government. Perhaps the following incident, which puzzled the editorial writer of the *Post-Dispatch*, is but an illustration of this weariness at being admonished by petitioners. The first quotation is from a news dispatch purporting to describe the event.[1]

Senator Casey of Kansas City, leader of the Casey-Kinney-Brogan ruling triumvirate in the Senate, served notice in a speech on the floor late yesterday that the Senate would not be bothered with petitions about legislative matters from civic or other groups.

The Senator objected to having read before the Senate a communication from the United Commercial Travelers urging the enactment of a drivers' license law. The petition had been received by Lieutenant-Governor Harris, who turned it over to Senator Brogan, who sent it to the secretary's desk to be read.

The agility with which Senator Casey rose from his chair led to the suspicion that he had had advance notice and that perhaps the communication was sent up by Brogan to provide the excuse for the Kansas City Senator's speech. . . .

Exercising the constitutional right of every citizen to petition the Legislature, many civic groups and other organizations, groups of citizens and individuals send communications to every Legislature on subjects of legislation.

Usually they are sent to individual Senators who give them no more attention than to announce their receipt and to ask that they be referred to the particular committees dealing with the subjects of communication. They go into the legislative records without being given any consideration or even being read to the committee.

Occasionally one is received by the President of the Senate, who directs that it be read in open session. It was to head off this practice that Senator Casey delivered his speech yesterday afternoon.

"I think the members of the Senate are competent to decide these questions for themselves without outside pressure," the Senator said.

The second quotation is taken from the editorial comment on the incident published the following day.[2]

The right of petition is an ancient one, dating back to Magna Charta and embodied in the Federal Constitution, but to the head of the Missouri Senate's ruling triumvirate, it is a nuisance. Memorials to the Legislature may often come from self-serving organizations and followers of vain hopes. The right of petition applies to all citizens, however. It is one means whereby the people may convey their wishes to their elected servants. When the legislators do not treat these communications with respect; when instead a leading legislative spokesman heaps scorn upon them, a blow has been delivered at representative government.

[1] From the St. Louis *Post-Dispatch*, Jan. 19, 1937.
[2] *Ibid.*, Jan. 20, 1934.

Senator Casey's denunciation might have more weight if the Legislature had ever struck a similar attitude with respect to lobbyists. They, too, are a product of the right of petition. But where petitions simply state a case and make a plea, the pressure and blandishments of lobbyists have changed the course of many a legislative measure, often against the people's interests.

If Senator Casey did not have a reputation as a shrewd politician, such an arrogant attitude toward the public and its right of petition would be written down as political suicide.

Just Where Does the Trouble Lie? The last sentence in the preceding editorial seems to indicate that the editorial writer is puzzled. Why do not the people whose rights of petition are thus thrown back in their faces rise up and drive out the politicians who defy them? The answer after all is not so difficult. The editorial writer apparently believes that we still live in the same country, and possibly in the same times, as the people who wrote that right of petition into their constitution. That was a long time ago. Then it meant something. It represented the will of a pioneer people who were accustomed to defend their rights. If the courts did not defend those rights they were ready to take the law into their own hands. If the legislature had refused to pass the laws they desired they would have thrown the legislators into the river or have hanged them to the street lamp posts. They were frontier Americans accustomed to protect their liberties and therefore they never had to take either of these extreme measures. But there are very few such Americans left. Many of our people have come from the lands where dictators now rule. They have been drugged and their moral fibre weakened by commercialized amusements and vices. Life has become too complex and social problems too involved for their preoccupied intellects to master them. The great majority of the people no longer know what they need, or how to get it. They have lost their spirit of individual enterprise. They take orders in their daily work and likewise in their political relationships. They have become habituated to being bossed in all the relationships of life. Their employers tell them what to do. The policemen give them commands. The ward politicians dictate their civic behavior. They are no longer free men, but mannikins, manipulated in most things, frequently spoon-fed by the government and spoon-fed intellectually. Only a minority of civic minded individuals are left to try to preserve the frontier spirit of American liberty and self-government. They do not as yet know how isolated and lost they really are in this modern maze of political and social irresponsibility. It is no wonder that the shrewd politicians, who live among the very people whose political incompetence they so well understand, feel a contempt for the bearers of petitions and the makers of pleas for public welfare and dare to defy them openly.

Why People Do Not Vote. Some confirmation of the above analysis is to be found in the reasons given by political leaders and the citizens themselves why from one-third to one-half of the people do not vote. This failure of the people to exercise the ballot is also one of the chief reasons why they have bad laws thrust upon them by the political gangsters of the legislatures who are more loyal to party interests and political favors dispersed by the party system than they are to good government and social welfare. The party bosses and political leaders recognize that their success consists in "getting out the vote." No expense is too great for them to get their partisans to the polls, for therein lie their majorities (assuming that they do not stuff the ballot box, as was so flagrantly done in Kansas City) and thence come their profits from politics. It is usually the potential or actual friend of good government and good laws that has no one to remind him and urge him to vote. He is the one most likely to stay away from the polls for one or more of the eloquent reasons revealed by Merriam and Gosnell's study of non-voting in Chicago. There cannot be good legislation under our political and social system if a majority of the people do not vote for good members of the legislature. The following analysis will show why, in large part at least, the legislatures, city councils, and congress do not have better members.[1]

Some 250 party experts gave their opinions as to the chief reasons why people did not vote, and over 6,000 non-voters were personally interviewed. The percentage distribution of the non-voters interviewed, classified according to reasons given for not voting, showed that general indifference and inertia accounted for over two-fifths of all the abstentions, that such physical difficulties as illness and absence covered one-quarter of the cases, that legal and administrative obstacles explained one-eighth of the electoral failures, and that disbelief in woman's voting or disgust with politics accounted for the remainder. This analysis agreed in general with the views of the party experts. . . .

Only one-third of the male non-voters as compared with one-half of the female non-voters were indifferent toward elections. On the other hand, three-fifths of the men as compared with three-tenths of the women who did not vote said that they were kept from the polls by physical or administrative obstacles. One-eighth of the female non-voters were anti-suffragists.

Entirely different reasons were emphasized by those who were not registered than by those who were registered but did not vote in the particular election. Illness and absence together were three times as important in the latter group as in the former. General indifference and inertia were the chief reasons why adult citizens did not register. One-third of those who had voted elsewhere but not in the city asserted that they did not vote in the local election because of legal and administrative obstacles in the way, and over one-third of the habitual female non-voters disbelieved in voting.

While general indifference and inertia were the most common reasons given by the non-voters, there were certain social situations in which other factors loomed

[1] From Charles E. Merriam and Harold F. Gosnell, *Non-Voting: Causes and Methods of Control* (University of Chicago Press, 1924), pp. 251–254.

up as of more importance. The chief reasons for not voting given by the colored citizens who had just come to the city were insufficient legal residence and disgust with politics; the principal causal explanations offered by the elderly native white males engaged in business and living in the best residential sections of the city were absence and illness; and the main reason for failing to vote that was given by the small shopkeepers was fear of loss of business or wages. . . .

Another striking feature of the study was the large amount of disgust with politics that was discovered. Disgust with politics accounted for the abstention of many native males of negro or foreign parentage who were old residents of poor sections of the city. Some middle-aged housewives also had grudges against the government. Poor people expressed the view that politics benefited only the rich and that the government was taking away all the liberties of the poor. Disgust with the local party situation was expressed by a large number of the registered negroes who had established political connections in the city. Some middle-aged poor people insisted that one vote counted for nothing, that the candidates were equally bad, that the ballot box was corrupted, and that the whole election system was a sham and a fraud. There were a few who disbelieved in all political action either for economic or for religious considerations. . . .

It was demonstrated that there were many kinds of indifference resulting from varied social situations. General indifference was very prevalent among the white females of foreign parentage who were not registered, who had little voting experience, who lived in poor sections of the city, and who had no occupation but housework. Indifference was less prevalent among the men but was found to some extent among the males of foreign parentage who were not registered and who were engaged in unskilled work. Indifference to the last election was found to be most common among those racial groups that were dissatisfied with the local political situation and among the native whites who were engrossed with other matters and were bored by the frequency of elections in Chicago. Similarly, neglect was common among the young registered native-born males who were experienced in voting and who lived in middle-class neighborhoods. One of the chief causes of nonregistration was ignorance and timidity regarding elections. This condition was very prevalent among the young colored citizens and the middle-aged foreign-born women who had acquired their American citizenship through the naturalization of their husbands. The educational opportunities of many of these people had been so limited that they did not even know how to mark a ballot, and they hesitated to go to the polls for fear of being ridiculed.

Putting Busy-Bodies in Their Places. It is not surprising that dictatorships come under such circumstances as these and further cripple the effectiveness of welfare legislation, or even dominate or abolish it entirely. When a people is neither interested in nor competent to conserve its political rights and welfare it must necessarily become the prey of those who possess political insight and initiative, although their motives may not be the best. Now for a long time we have been ruled in secret by the gum-shoe bosses. The next logical step is for a more venturesome and active type of ruler to come out into the open and assert his dominance frankly and brutally, as has happened in Europe. Such perhaps would not at the present be possible in the United States; it would be too contrary to our traditions. But that does not mean that

it would be forever impossible. Such attacks upon the liberties of a people usually begin in the legislative assemblies. The account which follows affords a very good description of the method generally pursued. In the end this attack was successful in France, but at that time (1834) there was wanting the strength of a well organized dictatorship behind the legislative power to enforce its acts, such as was later organized by Louis Napoleon and such as now exists in more than half the countries of Europe. The account of this legislative attempt was written by a man who, if he lived now, would undoubtedly be termed a Fascist. His narrative follows.[1]

Three bills were brought in by M. Persil, one of them authorizing the ministry, in matters of crime against the state, to establish as many tribunals as might be judged necessary, and permitting the procurors-general to abridge the formalities in bringing cases to a decision. It also authorized the presiding judges of these tribunals to send away by force all such accused persons as should disturb the proceedings, and proceed against them in their absence. Another of the bills provided that the vote in future should be secret, and that the number of votes necessary to a sentence should be reduced from eight to seven. The third bill declared punishable with imprisonment and a fine from 10,000 to 50,000 francs, every attack, by means of publications, against the king and the basis of the government. It prohibited every one from styling himself a republican, from mingling the name of the king in political discussions, from publishing the names of the jurors otherwise than as given in the reports of the proceedings, from disclosing the deliberations of the jury, from getting up subscriptions in favor of condemned newspapers, from giving signatures in blank on the part of the managers of these papers, from exposing, publishing or offering for sale drawings, emblems, engravings, and lithographs, and from exhibiting theatrical representations without the sanction of the authorities. To these bills the chambers added some amendments with regard to attacks upon property and want of respect for the laws, and then passed them without hesitation. It was moreover decided that the bail, in future, for a daily paper of Paris, should be increased from 48,000 to 100,000 francs, and that the manager should be a bona fide owner of one-third of the bail.

The tempest which this legislation excited is still in the memory of everybody; the republicans were seized with an indignation beyond all limits. It was no puerile comedy or preconceived farce with them this time, but the real agonized shrieks of the beast smitten with death. It is of but little consequence to us to know whether the laws of September were or were not more or less Draconian, as the republicans were pleased to term them; we are satisfied with the conviction that the republicans had rendered them necessary. There is not a robber who does not also find the penal code Draconian; but no one, therefore, is obliged to rob. Every one of these laws had for its object to prevent the renewal of some great scandal, either legal, moral, or political. But the feature of the law which caused the greatest outcry — (and the race particularly attacked by it is clamorous above all others) — was the increasing of the bail for the newspapers; but why had the newspapers become so extravagant? In the affairs of state there is but one rule for measures of repression or prevention; and that is determined by the facts of the case. The political laws of England and the United States, it is said, are a

[1] Adapted from Lucien de la Hodde, *History of the Secret Societies of France*, 1856, pp. 190–195.

hundred times milder than ours are; but it is because the public mind of those countries is a hundred times more peaceable than it is with us. There are logicians who will maintain that the raising of the bail too high would defeat the object aimed at, since it would destroy the good journals as well as the bad. But this objection is not well founded since the good journals do but little good, while the bad ones do an enormous amount of harm. It is very certain that all the subscribers to the *Debats* would be men of law and order without the instrumentality of that paper; while a great number of persons would never have become demagogues at all were it not for the red republican sheets which they read. The readers of moderate journals generally have their opinions made up, while those who are influenced by the detestable opinions of the anarchical papers are poor devils, who, if it were not for these papers, would be at work gaining an honest livelihood.

If our papers are really so detestable, some socialists may ask, how happens it, then, that they have such a circulation? It happens in this way: these papers have to do with passionate and ignorant men whom they continually spur on with falsehoods and excitements, speaking to them of a thousand chimerical rights, but never of their duties; bestowing upon them a thousand fulsome flatteries, but never inculcating a single truth; imperturbably affirming that they are on the road to happiness, but never showing where this happiness lies, unless, indeed, when arrived at the end of the road, as after February, when they are obliged to come out and show their hand — why, then, this happiness consists in calumniating the adversaries who have opposed their extravagances! The conductors of these papers are charlatans who gain credence, like all other charlatans, by lying with impudence, by making a great bluster, and suborning confederates who fall into ecstasies over their panaceas. They assume the mask of generosity, of patriotism, and loyalty, and smile winningly upon the enthusiastic crowd who never suspect them of being the trifling, heartless, and faithless sepulchres that they are. They infect simple-minded men with fanaticism, and take good care to destroy the influence of men of sense by defaming them. Their course is to level down and degrade by the instrumentality of the libel; for this pleases the mass. They affect grossness and brutality; for the crowd considers this as homage done to their habits. They preach up destruction; for this is agreeable to the instincts of the poorer classes, who are fond of revolutions because they think that they are to be the gainers by them; and then, it is very pleasant to men who have nothing to lose to see everything at sixes and sevens; and besides, it is very flattering to the crowd to hear itself styled the Great People, the Popular Lion, the conductors of them know it very well, rubbing their hands over it in great glee.

The effect of the new laws was immediate and decisive; a score or more of demagogic prints fell dead upon the spot — a result of some importance. By referring to the period immediately following the year 1834, we shall see that the republican party had not the ability to resuscitate a single daily paper. Society remained in a state of peace until 1843, its repose hardly broken by the bayings of the National. At that period the *Reform* alone succeeded in struggling into existence, but only to vegetate until the revolution with something less than two thousand subscribers.

But we are aware that still another objection lies on our way; we are told that by stifling democracy upon the pavement and in the press we have only driven it into secret societies, where it has dug the mine which has blown up our throne. "Yes, verily, this thing is repeated as a fact, that secret societies have made the revolution; but this is one of those mythological notions which, together with many others, it is our especial task to eradicate."

Let us see what must be the inevitable consequences of a vigorous system of legislation against societies, clubs, and the press. The factions at first resort to complots, and their leaders seek to lead their men into them, with all the ardor of violent rage; but the mass who go readily to meetings of a legal character which are attended with no danger or constraint, cannot easily accustom themselves to secret proceedings, which impose constraint and are accompanied with dangers; the difference between this dull and unexciting regime and that of public assemblies full of variety and emotion, is too great to be pleasing. The least zealous soon give up their attendance; others gradually become discouraged, until finally a disbandment takes place where, if the meetings had been public, the orator in his tribune would have proved a sufficient bond of union, and as to the chiefs themselves, that great enthusiasm by which they were inspired when acting their part before the public, stimulated by impassioned audiences, soon becomes lost in the incognito of secret societies; and the greater part of them abandon the cause, and by insensible degrees return to ordinary life, where the fierceness of their opinions is lost. Agitation is kept up and extended by agitation; by stopping the noise the echo is prevented — two truths which are incontestable. It is our opinion, and we speak from experience, that if a public club were transformed into a secret society, not one-fifth of its members would remain at the end of six months; and even those, lost in the shades of their mysteries, would have no demoralizing influence. If, then, we are told by orators and writers, that a free scope must be left to parties, for otherwise they will conspire, we may reply to them boldly that their conspiracies are mere child's play, which can always be managed by the police, while on the other hand the preachings of clubs, of writings and public societies, are spots of rancid oil that strike in to the very heart of society, and which can be taken out only by the ordeal of fire.

There is another class of doctors who preach unlimited liberty, affirming that evil is cured by evil, and that licentiousness may be left to destroy itself. This doctrine may indeed be true in the long run; but we believe that if our demagogues were to be left to themselves, they would, long before coming to blush at their extravagances, have time to upset France over and over again, if not all Europe.

We have no confidence in such romantic measures for the prevention of wrong; there is a way pointed out which is as old as the world itself, and which consists in protecting the good and punishing the bad; and let us hold to that.

Do We Face a Similar Danger of Autocratic Control? Fortunately we have no such acute legislative situations to meet in this country at the present time. The nearest approaches to such repressive legislation with us are to be found in the criminal syndicalism and similar anti-radical legislation of certain states and the deceptive and often ambiguous teachers' loyalty oaths acts. That the intent of such laws is essentially the same as that of the earlier enactments in France, described above, is sufficiently clear. But the Federal Supreme Court decision in the Oregon case has largely negatived the force of the former type of laws against liberty of assemblage and freedom of speech. It seems unlikely that the teachers' loyalty oaths legislation will be allowed to work the very opposite result that it professes to aim at and close the mouths of teachers to the defense of traditional American democratic institution and ideals.

As pointed out above, the past generation has brought about a very large amount of progressive social welfare legislation in this country — the largest amount in any one generation in our history. Even the state legislatures are not all bad, and a progressive national government may be able to do much toward turning the state legislatures in the direction of greater efficiency and progressive public spirit. But the seeds of a dangerous and accentuated trend toward corrupt and autocratic legislative control are obviously planted in our public psychology and they require close watching lest they develop vigorous growth and serve to obstruct future progress in the direction of social welfare achievement.

The Strategy of Welfare Legislation. The building up of legislative controls for the promotion of social welfare is neither a simple nor an easy task. A great many elements of strategy must be considered and employed. In the first place, such legislation must be largely experimental. Even when other countries offer us precedents for such legislation, their experience cannot usually be applied here without modification and adaptation. Conditions and people, as well as traditions and customs, are always different. All such legislation must go through a period of trial and error probation. Such social experiments are of course costly, but they cannot be avoided, and they are necessary. Mr. John G. Winant, first Chairman of the Federal Social Security Board, makes this experimental character of the Social Security Act very clear in the following statement from the *Survey Graphic*.[1]

> We have no apologies to make for the Social Security Act. Yet we who have to do with the administration of the law are as aware of its imperfections as the most searching critic on the outside.
>
> No one assumes that this act is the final word in social insurance. For, since society is a growing organism, there can never be any finality in the treatment of its problems. What the present law does represent is a sincere effort to reconcile the divergent views of a large number of thoughtful and public-spirited men and women who cared enough to do something about present insecurity. Though all agreed on the basic principle of social insurance, there were natural differences of opinion as to the means and technique to be used in attaining the ends on which there was common agreement.
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> The framers of the law were also compelled to take account of certain fundamental cleavages in American political and social philosophies. This involved an attempt to strike a working balance between the proper claims of the Federal Government and the states. Every effort was made to give the states a maximum of control consistent with efficiency of operation and a constitutional division of powers. Where there were doubts as to the wisdom of delegating certain responsibilities to the states, it was felt that public consciousness within the states would rise to the occasion and meet the responsibility.
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> It was recognized that the state governments are closer to the immediate

[1] As reproduced in the St. Louis *Post-Dispatch*, Jan. 8, 1937.

problems envisaged by the law than is Washington, so that as much localization of authority as possible and practical was developed within state jurisdiction. It was also felt that the stimulus of public opinion would tend to level upward the differences between more advanced states and those which still lagged in social legislation.

In the allocation of responsibility as between the Government and the states, the provision for old-age benefits was reserved to the central authority. No sound actuarial base, with a compensating tax area, could be devised on state lines. Also, given the migratory character of American labor, any other solution would have been impracticable. The individual's employment and earning record, on the basis of which his retirement benefits are eventually computed, must follow him wherever he goes, regardless of state lines.

On the other hand, unemployment compensation presented a different problem. The man who is jobless ordinarily remains in the state where he had been employed until his chances of finding employment therein appear exhausted. This fact tends to simplify the problem of placing responsibility for care of the unemployed. Also, since the rate of employment is liable to vary considerably from state to state, those states with a low ratio of unemployment might well object to being penalized on behalf of other states whose industries showed less stability.

Each state is permitted to frame its own law, making experimentation possible. Out of these 48 laboratories of legislation, there should eventually come much experience of value to all the states. This should tend to reduce the diversity in treating a problem whose human incidences are, after all, the same.

In the so-called welfare phases of the Social Security Act, the burden of responsibility is again placed on the states. Using an old device of American legislation, the Government contributes to the support of the state programs with grants-in-aid, while at the same time it sets certain standards of accomplishment as conditions for the allocation of Federal funds. These features of the law include old-age assistance for the support of those who cannot qualify under the old-age benefit section of the act, aid to mothers of dependent children, aid to the blind and the provisions for the assistance of other handicapped groups.

Thus, when the total reckoning is made, it must be recognized that the Social Security Act has shown every consideration for the local interests and legislative autonomy of the states, even though in certain instances more effective and uniform treatment of the particular problems might have been obtained by large exercise of Federal authority.

The act makes specific provision for the possibility of future amendments. A legislative program of such magnitude cannot be expected to have attained initial perfection. Time and experience will expose the defects that must inevitably develop in its operation. It will be better if such changes as may be made in the law in the future should come as the result of impartial observation of its working, rather than that they be dictated by untried theory or the pressure of interested minorities.

We are now setting up the organization necessary for servicing the beneficiaries of the act. It will be some time before the field force required to administer a program of this magnitude functions with the smoothness and effectiveness that we would desire. Meanwhile, we hope the public will bear with us and understand that our only concern is to give it service that will be efficient, prompt and considerate.

One of our largest tasks is to inform the public as to its privileges and obligations under the law. In this effort, we must depend not only on our informational

service but on the cooperation of the press and the radio, which has been given so generously through the enumeration period.

We feel under no compulsion to defend the basic philosophy of the Social Security Act. We feel we have a right to believe that the vast majority of the American people have already accepted the principle of social insurance as an obligation of government. We believe that our future problem will be one of extending the coverage of the act and of improving the technique of its operation.

If any achievement of the present administration deserved immunity as a campaign issue, it was the Social Security Act. This law was not a partisan measure. It was passed by an overwhelming majority of both parties in Congress. The roll call showed no lineup of Democrats on one side and Republicans on the other. It had the support of both. It is rather the product of a people's government, honestly endeavoring to mitigate some of the most grievous faults of our national life.

Legislative Strategy. Most of the emphasis of this chapter so far has been upon the prevailing unsatisfactory character of our social legislation and the sociological causes which explain these results. Some attention has also been given to the conditions within the legislatures that contribute to unsatisfactory legislation. The recorded experience and observations of Theodore Roosevelt were of value in throwing light upon this situation. But there are many types of strategy that may be carried on within legislatures that are of material use in securing a better quality of legislative output. Some of these, such as good civic leadership, good committee organization, record voting, and publicity with its resultant political responsibility to constituents, have already been referred to, at least by implication. Some more instances of strategy and organization of the legislature and within its membership will be discussed in the remainder of the chapter. One form of legislative strategy that must always be kept in mind in a country where the courts possess the power of declaring legislative acts unconstitutional is so to construct the laws that they will meet this test. The only alternative is to amend the constitution, which is not an easy task. Sometimes it is the only procedure open. Another serious problem is that of preventing the inclusion of "jokers" in the laws which will nullify or even pervert their original intent. Such jokers not infrequently play havoc with social welfare legislation.

A tactical device of a somewhat different character, but none the less important, is that of bringing pressure to bear upon legislators in order to line them up in support of a bill. This strategy may be employed against as well as in favor of good legislation, as we have already seen. It may involve the practice of bribery, blackmail, lobbying, the use of telegrams, letters, the engendering of political opposition in the member's district, and various other devices. The following brief

account tells how it was used for good ends in the New York legislature by one of our greatest political leaders.[1]

The actual work of procuring the passage of a bill through the Legislature is in itself far from slight. The hostility of the actively bad has to be discounted in advance, and the indifference of the passive majority, who are neither very good nor very bad, has to be overcome. This can usually be accomplished only by stirring up their constituencies; and so, besides the constant watchfulness over the course of the measure through both houses and the continual debating and parliamentary fencing which is necessary, it is also indispensable to get the people of districts not directly affected by the bill alive to its importance, so as to induce their representatives to vote for it. Thus, when the bill to establish a State Park at Niagara was on its passage, it was found that the great majority of the country members were opposed to it, fearing that it might conceal some land-jobbing scheme, and also fearing that their constituents, whose vice is not extravagance, would not countenance so great an expenditure of public money. It was of no use arguing with the members, and instead the country newspapers were flooded with letters, pamphlets were circulated, visits and personal appeals were made, until a sufficient number of these members changed front to enable us to get the lacking votes.

Reorganizing the Legislature for Deliberative Action. It is quite generally believed that legislative bodies give more attention to the playing of the political game than they do to the act of legislating wisely and impartially for the welfare of the people. There have been a great many proposals looking toward the remedying of this condition of affairs. The plan to concentrate responsibility by adopting a unicameral legislative system has met with more favor among political scientists than among politicians. The use of steering committees and similar devices have also been resorted to. The following proposal by a professor of philosophy turned legislator also has significance as a strategical measure in this connection.[2]

Senator T. V. Smith contributed only one bill at his first session of the Illinois Legislature two years ago. He deliberately waited until June to introduce it. He had been watching the proceedings for four months with the interested eye of a new man in politics. Then, as he introduced his bill, he told his colleagues in the Senate the conclusions he had reached:

"We do not work in a deliberative atmosphere; for four months we have too much leisure and for two months too much rush. We come together without a program, save what the Governor would have us do; and we wait around to see whether he can make us do it. When we find, as we expected, that he can't make us do it, it is too late for us to put our heads together and decide what could best be done. So we let the possibility of a well-articulated compromise condescend into the passage of this or that hodgepodge. This is a fault with a remedy in our own hands."

[1] Adapted from Theodore Roosevelt, *American Ideals* (G. P. Putnam's Sons, New York, 1897), pp. 149–150.

[2] Editorial in the Chicago *Daily News*, reproduced in the St. Louis *Post-Dispatch*, Jan. 25, 1937.

Every man in the chamber recognized the accuracy of that diagnosis. Senator Smith's bill, even at that late hour, passed the Senate. A stubborn Speaker blocked its path in the House. But the bill is to be reintroduced. And the obstructive Speaker of the House has retired.

The bill provides for the creation of a legislative council, to consist of 10 Senators and 10 Representatives chosen from both political parties in approximately the proportion of their strength in each house, with the reservation that not more than two-thirds of the members of the council from either house shall be of the same party.

The council would have the duty of formulating recommendations for a legislative program based on the deliberate consideration of the needs of government and the welfare of the State. All available sources of information at the disposal of the State and local governments would be at its command. It would have the right to subpena witnesses and administer the oath. It would meet at least once every quarter, and report periodically to the Assembly.

Kansas created such a council in 1933. Michigan, Kentucky and Virginia have adopted the idea. The experience of Kansas thus far has justified the new departure. It is encouraging the use of impartial technical information and the thoroughly considered treatment of issues; it is promoting intelligent debate with consequent prompt and orderly action. It is creating the deliberative atmosphere sadly lacking in most state Legislatures, and restoring dignity and prestige to assemblies as statesmanship more frequently lifts its head above mere politics.

Legislative Reference Aid. Another important piece of legislative strategy is to afford to the legislator scientific aid in the performance of his job. Usually he knows but little about either legislation or social welfare. His main experience has been with politics, and not infrequently this has been so one-sided that he has wholly distorted notions regarding the legislative task before him. Many times he falls into the hands of experienced, but more or less anti-social, politicians simply because they take the trouble to show him around. They recognize his greenness and coach him on what bills to support or even what legislation he should introduce. His incapacity is their opportunity. If the legislature can be induced to provide a corps of dependable experts to render necessary aid to its members in the performance of their duties the quality of legislation is greatly improved, as the experience of Wisconsin and other states that have adopted the system goes to prove.[1]

One of the by-products of the university is the legislative reference library organized by Charles McCarthy of the department of politics. McCarthy observed members of the legislature, untrained to study and bill drafting, drifting about the library seeking information and aid; he saw the mass of conflicting and undigested legislation which went through the mill, and came to the conclusion that legislation has failed, in part at least, because of the absence of any permanent agency for gathering material and the drafting of measures. Most of our state legislatures meet

[1] From Frederic C. Howe, *Wisconsin: An Experiment in Democracy* (Charles Scribner's Sons, New York, 1912), pp. 46–48.

biennially. The session lasts for only a few months. Its members are untrained to law-making and unused to legislative methods. To meet this defect and bring together the various departments of the state, McCarthy evolved a bureau to aid the legislature and translate the work of the expert into law. He became its director. The library occupies quarters in the state-house, where the laws of other states, public reports, monographs, and treatises on current industrial, social, and legal problems are collected. Expert draftsmen are connected with the bureau, as well as a corps of men and women from the university. Members of the legislature come to McCarthy to draft their bills. They bring their local problems or some big constructive proposal. The evil to be corrected is studied, laws of other states are analyzed, and experts from the departments co-operate to make the measure as perfect as possible. The aim is not only exact draftsmanship, but intelligent law-making. McCarthy and his associates work with committees; they aid members in gathering material for speeches, and serve as *ex officio* clerks in the assembly. The bureau occupies a position not dissimilar from the permanent staff of experts in the departments at Washington. It has become a clearing-house of service, not only for Wisconsin, but for the country as well. Into this bureau the political progress of the world is gathered; out of it comes a new chemical compound in the form of progressive legislation. From this laboratory men and women are graduating into similar reference bureaus in cities and states all over the country.

A Fundamental Reform of the Legislature. We have discussed two important prosposals for making legislatures more efficient. We may now present a third, which is perhaps less generally accepted, but which has some strong points in its favor. The quotation that follows, taken from a letter from William Hirth, editor of the *Missouri Farmer*, to a newspaper, states these arguments in a favorable light and endeavors to show that the need for a bicameral system has passed. The idea of a unicameral system is not new in this country. It has been proposed and seriously debated from time to time, but only the State of Nebraska has so far adopted it. It is in the nature of an approach to the commission form of government, already extensively in use in cities, applied to the state unit. But it differs essentially from commission government in that its function still remains definitely legislative rather than executive. Mr. Hirth's argument, in its essentials, is as follows.[1]

The present Legislature, no doubt, will again submit a constitutional amendment to increase the salaries of legislative members, but considering the mood that our tax-ridden people are in, defeat in this "solemn referendum" is practically a foregone conclusion. That the present pay of five dollars per day is unfair to the members no one will deny, but is not our present legislative system, which harks back to the days of the log cabin, hopelessly antiquated? Therefore, instead of trying to patch up the old machine, should we not give thought to a one-body chamber such as has been created in Nebraska?

Our present State system, which was formulated during the early days of the Republic, was patterned after the English House of Lords and House of Commons.

[1] From the St. Louis *Post-Dispatch*, March 5, 1937.

The theory was that the State Senate and House of Representatives would be a check upon each other. . . . But here in the United States, we have never had an aristocracy as such; hence, our State Senate and House of Representatives both supposedly speak for the same people. Therefore, what occasion is there for a "check" of one body upon the other?

For many years, our Legislature has been a two-ringed circus, in which a few experienced men who obtain places on vital committees control important legislation, while the rank and file of the members either do not know what it is all about or are powerless. Again and again, during recent years, important bills have been pigeonholed in committees until it was too late to get action on them, or they have been so amended that they were sure of rejection on the floor.

In these circumstances, the average Legislature is a happy hunting ground for the special-interest lobbies, whose shrewd representatives know every trick in the game, and who, by means best known to themselves, influence many of the key men in both bodies, especially in the Senate. Thus, it would be impossible to conceive of a legislative system in which the people are at a greater disadvantage than our present one.

Also, there are the manipulations of the all-powerful conference committees, which are appointed toward the end of a session, and which often reconcile disagreements upon important bills between the two houses to suit themselves. Then the two houses must adopt or reject such bills as a whole. This offers another fertile field for the lobbyists.

Therefore, instead of increasing the pay of the present members, why not give thought to following the example of Nebraska? . . . Here in Missouri, I would favor a one-chamber body of two members from each congressional district, which would give us a membership of 26. In order to attract men of high ability, I would favor a salary of $5000 per annum, with the right of a member to force a roll call upon any important measures.

Not only would the conduct of each member in such a body soon stand revealed before his constituents and the State, but if this body should sit like a public service commission, subject to periods of adjournment, it could give real attention to important public matters.

Under our present system, a session is usually half over before the Legislature gets down to business. The result is that toward the session's end there is such a log jam that vital legislation is often rushed through with half-baked consideration, or it is murdered by the manipulators either in the regular committees or in the conference committees. With a one-chamber body, subject to continuous sessions, an entire month, if necessary, could be devoted to the consideration of a single important measure, and those for or against such a measure could be given a real hearing, which, under our present system, is impossible.

When every Legislature appropriates millions of dollars of the taxpayer's money, and when many measures vitally concern all our people, is not such a situation important enough to keep 26 men on the job continuously, or practically so, and to pay them a salary that will attract men of real ability?

The legislative affairs of Missouri are the most important business of the State. Instead of continuing to handle these matters in the most antiquated and ineffective manner possible, should we not strive to handle them in the most efficient manner possible?

Conclusion. Legislation is one of the most important among the social controls, not only because it has become the chief source of law,

but also because modern social welfare programs have come to operate primarily through political channels. Religious controls have greatly declined in importance and their concern with social welfare is not very great. Economic welfare controls are perhaps more active than ever before, but they operate largely by means of political devices, especially when they function on a wide scale. All this tends to throw the burden of social welfare control upon legislation. It is unfortunate that our legislatures are no better equipped than they are, especially in the point of personnel, for the promotion of social welfare. Yet their achievement in this direction is much greater than might have been expected if we had considered only the evasive and opposition strategy of those legislative leaders who serve primarily special private interests rather than the general public. Perhaps the chief problems of securing a better and more favorable control over progressive social welfare legislation are, on the one hand, those of stimulating the public to take a greater interest in improving the personnel of legislatures and in promoting and supporting an improved type of legislation, and, on the other hand, that of providing a better strategy for the guidance of legislators in the performance of their legitimate functions. Certain repressive and Fascistic trends in legislation, apparently aiming at the suppression of free speech and democratic action on the part of the people, and thus to prevent or suppress welfare legislation, need to be carefully watched and counteracted.

STUDENT EXERCISES

1. Why has legislation become the chief means of law-making in our time?
2. What are, in your opinion, the chief problems of legislation from the point of view of social welfare?
3. Criticise the objectives of legislation as stated by Bentham.
4. In what sense do you think that security is the chief objective of legislation?
5. In what sense would you place progress and reform as the chief objectives?
6. Go through the list of legislative reforms proposed in 1911 by Dr. Frank Parsons and classify them according to whether they have already been achieved, are in process of achievement, or have not yet been enacted. What results do you get?
7. The instructor may find it worth while to have students go through the *Survey* by years and list the legislative reforms, (1) advocated, and (2) enacted into law, in each year. On the basis of the data ascertained a comparison might be made of (1) proposed and enacted reforms, (2) both proposals and enactments by years.
8. In legislative years, students might well be assigned to current newspapers to read and report on social welfare legislation being considered.
9. A study of legislative personnel might be made from data found in the daily newspapers.
10. Students may be assigned to study the careers of certain members of the state legislature and to report on them to the class.

11. There is excellent material in *McClure's*, *The American*, *Everybody's* and *Hampton's* magazines and in the writings of Charles Edward Russell, Lincoln Steffens, and other commentators on political questions during the first two decades of the twentieth century, relating to legislatures and legislators. This may be used as the basis of reports where it is available.

12. Special reports may be made with advantage on the operation of committee control in legislative bodies.

13. Similar reports may also be made of the work of lobbies and their influence on legislation. Material for reports on lobbies and committees may be located from the card catalog and from the *Reader's Guide to Periodical Literature.*

14. Reports on the suppression of legislative initiative in the recent European dictatorships would be of interest to the class.

15. Students should be assigned to report on legislation directed against "criminal syndicalism" and other forms of radical activity in the United States. Material may be found in the *New Republic* and the *Nation*, among other sources.

16. Similar reports on Teachers' Loyalty Oaths legislation may also be made.

17. Special reports of child labor legislation, of laws protecting women and children in industry, of minimum wage legislation, etc. may be made with profit.

18. Reports on legislation covering liquor, gambling, prostitution, and other vices may be made. The success of this legislation should be taken into consideration in the reports.

19. *The Wisconsin Idea* by Dr. Charles McCarthy may be consulted for a fuller exposition of legislative reference work.

20. Students may be assigned to report on other aids to improved welfare legislation.

21. What other knowledge should legislators have besides that of social science in order to legislate properly for a people?

22. Where and how has the quality of legislation been improved by making greater knowledge of social science and of legislation available to members of the legislature? The students might do well to follow up further the legislative reference and aid movement.

23. Is it true that law and law making are more definitely sociological than is administration? Can the student state reasons for his point of view with respect to this question?

24. The members of the class could make a minor investigation of the extent and causes of nonvoting in their own homes, and perhaps in those of close friends. This would provide interesting materials for comparison with the results from the Merriam and Gosnell study.

25. Discuss the relative importance of the types of legislative strategy mentioned in the chapter in securing good laws for social welfare.

26. Can the students name other types of legislative strategy, making for good or bad legislation, that are important?

27. Can they suggest other sociological factors that affect the choice of members of the legislatures favorably or unfavorably from the standpoint of the quality of the legislative output and personnel?

28. What points can be advanced in favor of or in application to the adoption of the unicameral legislative system in your own state?

Chapter XXI

SOCIAL CONTROL BY MEANS OF SOCIAL REFORM

Ideals and Social Control. The most idealistic form of social control is that of social reform. In social reform programs social idealism reaches its highest practical expression, and here social control finds its most perfect constructive formulation. Ethical motivation and sociological analysis are fused in social reform activities. However, social reform activity must not be looked upon as the expression of mere utopistic and impractical idealism. It may be quite as practical as any other individual or social undertaking.

There are two kinds of idealism and also two types of social reform activities. One form of idealism is Utopian, more or less impractical, and sentimental. It is closely allied to daydreaming or phantasy. It consists of wishful thinking and of compensatory planning, of altruistic and well meant pictures of what should be, to a much greater extent than of participant action in behalf of what must be brought to pass. As such it is often used as a "soul-satisfying" substitute for honest and straightforward yeoman's service in good practical causes. One may see many such dreamers or enthusiasts, not only among the religious fanatics, but also within the ranks of the social idealists and arm chair revolutionaries. This sort of sentimental idealism rarely attains to the character of true reform activity and can scarcely be listed among the genuine social controls.

But there is another type of social idealism. It is perhaps more rough and ready and less polished in sentiment, and often not as fluid in verbal expression, but it is much more practical. Its advocates deal with concrete men and women and with actual matter of fact social situations much more than they do with ideal cooperative commonwealths. They know men and society, human nature and politics. Often they are opportunists as well as idealists; or, perhaps we might better say, they are opportunistic idealists. They are, perhaps, satisfied with less than the utopists demand, but they usually do get something done. Men of this type are practical reformers.

The Golden Mean in Reform. Perhaps neither of these two extremes of idealism is in itself ideal. Emerson said, "Hitch your wagon to a star." And the Practical New England Yankee added, "Be sure to grease the

axles before you start." Both admonitions have utility in them. In the long run perhaps most of the great idealists have been justified by the evolution of human institutions and values. They have set the ultimate goals of human progress and often have inspired many other men of lesser mould to keep the fires of their super-idealism burning after they have ceased to exist in the flesh. But perhaps their debt to the more pedestrian and practical opportunistic idealists in winning territory for their cause, step by step, is never fully acknowledged and paid. On the other hand, it is also possible that without the inspiring dreamers the more pedestrian idealists would not be sufficiently motivated to perform their more practical work of reform. It is, of course, possible for one to be both a great idealist and an efficient practical reformer, but the two qualities are rarely united in the same personality with any great degree of perfection. Ordinarily the two types of idealists find their best use as supplements to each other when they combine and concentrate on the work of social reform.

The Practical Emphasis Necessary. In this chapter we are of course concerned primarily with the second type of idealist, because we are dealing with social reform as an aspect of social control. The idealist whose enthusiasm never or rarely condenses into practical reform activity is at best but an uncertain factor in social control, and he may be even a negative factor. Too much idealism without an effective application to concrete practical reform programs may have the effect of disorganizing the social system instead of cementing and integrating it. This is sometimes the case with such extreme doctrines as anarchism and perfectionism, or that of perpetual and absolute poverty. If all people turned saints after such models as these society itself might go to pieces. Men must be practical as well as idealistic, if they desire to live in a society of men. They must build up workable systems of social control in order to put in practice their dreams of a better world. In other words, a true social reformer must be both idealistic and practical. When he achieves this happy but difficult balance of personality he is fit to carry on the work that lies before him.

Robert Owen as a Practical Reformer. This desirable combination of persistent idealism with practical common sense is well illustrated by the conduct and methods of Robert Owen at New Lanark in Scotland. Perhaps in his early New Lanark days he was more of the practical opportunistic reformer than the burning idealist. He unquestionably achieved a great success there. It is one of the record achievements in the reform of personal conduct and of direct contact community relations throughout all history. The work of the Jesuit fathers with the Guaraní Indians of Misiones in Paraguay is another great and comparable achievement, but there were many leaders of this latter reform.

Later in life Owen became more of a dreamer and sought to transform larger portions of mankind through the agency of ideal community life. Whether he expected too much of the men he had to deal with, or whether he was never fully able to control the community organization and offer such effective incentives to reform in the isolated frontier American communities, it would be difficult now to say. His failure there may have been due primarily to the second, rather than to the first, of these difficulties. His reform work at New Lanark is described in the following passage.[1]

Owen assumed entire charge of the business in Scotland, entering "upon the government of New Lanark about the first of January, 1800."

"I say government," he writes in his autobiography, "for my intention was not to be a mere manager of cotton-mills, as such mills were at this time generally managed, but to introduce principles in the conduct of the people which I had successfully commenced with the work people in Mr. Drinkwater's factory, and to change the conditions of the people."

Owen's success at New Lanark was immediate, signal and long-continued. The mills paid regular dividends and large profits, and his plans for the improvement of the character and condition of the operatives were completely justified by the result. New Lanark, as Owen reconstructed it, became famous the world over for many years; it was his one entire success, which contrasted vividly with the uniform failure of his communistic and socialistic experiments in his later life. It is a bright and illustrious example of what a liberal-minded and prosperous employer can do for the elevation of those who work for him. The thoroughness of its success in a time when the industrial revolution had worked such lamentable results in the whole manufacturing world is a convincing testimony to the sterling philanthropy and the fundamental sagacity of Robert Owen's genius. It is an example that cannot be too carefully pondered by modern employers of labor on a large scale.

New Lanark, in 1800, had a population of some 1,300 persons in families. There were also 400 to 500 pauper children, placed there by the parish authorities of Edinburgh and Glasgow; they appeared to be from five to ten years of age, but were said to be from seven to twelve. Mr. Dale, though unable to give personal attention to his mills, was an exceptionally kind-hearted employer; and he had provided that the children should be well lodged, well fed and well clothed. The attempt to teach them to read and write, in the evening, was a failure, as they were then exhausted by the long day's work: "none of them understood anything they attempted to read, and many of them fell asleep during the school hours." When their apprenticeship was over, these children returned to the cities whence they came, and many of them fell into vicious courses. At this time it was very difficult to induce any sober, respectable family to leave its home and enter the ordinary cotton-mill. The force of grown-up persons at New Lanark was intemperate and otherwise immoral, with very few exceptions. The brother of a chief manager was frequently off on a spree for weeks together. "Theft was very general, and was carried on to an enormous and ruinous extent, and Mr. Dale's property had been plundered in all directions, and had almost been considered public property."

Owen's thoroughgoing acceptance of the theory that circumstances make character naturally led him to choose the course of mildness, rather than of severity, in

[1] Adapted from Nicholas Paine Gilman, *A Dividend to Labor* (Houghton Mifflin Co., Boston, 1899), pp. 46–51.

trying to alter the conditions of these ignorant and vicious workers, and he could await results in patience. The vast majority — idle, intemperate, dishonest, untruthful — were pretenders to religion. Owen's faith was in good works as the test of religious sincerity. He made no attack, however, upon the moral practice of the people. The old superintendents were too little in sympathy with his measures, and preferred to leave for situations elsewhere. Owen determined that all changes should be made gradually, and that the expense of them should be met from the profits. He decided that Mr. Dale's engagements with parishes respecting the children should run out; that no more pauper children should be received; that the village houses and streets should be improved, and new and better houses be erected to receive new families, to supply the place of the pauper children. Each family had had but a single room, the houses being of one story: "before each door it was not unusual to find a dunghill." Owen added a story to each house, giving two rooms to most of the families; the dunghills were removed, and the renewal of the nuisance strictly forbidden. The streets were swept every day at the expense of the company.

Most of the families were too much used to disorder and dirt to heed Owen's recommendations, and several public lectures on the subject were as unavailing. A general meeting of the villagers thereupon appointed a committee to visit each family weekly and report on the condition of the house. Most of the women went into "a storm of rage and opposition," locking their doors or styling the committee "bug-hunters," and the like. Owen quietly encouraged the committee to persevere, asking admittance as a favor only. The small minority who welcomed their visits received a gift of plants from his greenhouse, and a few friendly visits from Mrs. Owen aided the good work. "Gradually the weekly reports of the committee became more full and more favorable."

No one was ever dismissed from New Lanark except for habitual drunkenness. Spirits had been sold in all of the retail shops. Owen put an end to this nuisance by establishing superior stores and shops that could supply food, clothing and all other things needed by the people. He bought for cash, in large quantities, and sold the best quality of everything at cost. The result was a saving of fully twenty-five per cent, to say nothing of the gain in quality. The improved health, better dress, and more comfortable houses testified to the efficacy of this indirect method of combating intemperance. With such a class of people, violently prejudiced against the "foreign" manager, who spoke a very different language from their lowland Scotch and highland Erse, it was to be expected that there should be systematic opposition to every change that Owen proposed. His philosophy stood him in good stead in his efforts to gain their confidence. This was not fully gained, however, until the year 1807, when the United States embargo placed the British cotton-manufacturers in a dilemma. Most of them shut down and discharged their employees. Others continued to work up the material at a high price, running the risk of a great reduction in the price of material and stock on the removal of the embargo. With his large works Owen concluded that it would be very hazardous to continue spinning, and it seemed to him cruel and unjust to discharge the force. He therefore stopped all the machinery and retained the employees at full wages, in return for which they simply kept the machinery clean and in good order. In the four months before the end of the embargo the New Lanark workers received more than £7,000 for their unemployed time. "This proceeding won the confidence and the hearts of the whole population, and henceforward I had no obstructions from them in my progress of reform."

Owen went on with confidence and at fuller speed to improve the moral character of his people. He counteracted their temptation to thieving by devices which

rendered it impracticable without almost immediate detection. Daily returns were made to him of the preceding day's business, and frequent balances. The most efficient check on bad conduct, he thought, was his "silent monitor." This was "a four-sided piece of wood, about two inches long and one broad, each side colored, — one side black, another blue, the third yellow, and the fourth white, tapered at the top, and finished with wire eyes, to hang upon a hook, with either side to the front." One of these was hung near each employee, and the color at the front showed his conduct during the previous day. Bad was denoted by black, No. 4: indifferent, by blue, No. 3: good by yellow, No. 2: and excellent by white, No. 1. "Books of character" kept a two-months' record for each worker. Right of complaint was reserved to him if he thought injustice had been done him by the superintendent of the department who regulated the "monitor": but the right was very rarely exercised. The result surpassed all expectation. "At the commencement . . . the great majority were black, many blue, and a few yellow: gradually the black diminished, and were succeeded by the blue, and the blue was gradually succeeded by the yellow, and some, but at first very few, were white."

The Irresponsible Dreamer Type of Idealist. We may take for illustration two examples of the dreamer type of reformers, one an extreme type and the other a more moderate case. The extreme antithesis of Robert Owen at his best as a practical reformer was Bakunin, the anarchist. Bred in the philosophy of Rousseau he

> believed . . . in the innocence of untrammeled and unperverted human nature. . . . He saw mankind everywhere oppressed by the claims of autocracy. . . . He saw no logical reason . . . to prefer the chains of democracy to the chains of autocracy. . . . If human nature merely requires the enjoyment of its native freedom to achieve perfection, it follows that the constraint imposed by states and governments is in itself noxious, irrespective of the form of the state or the composition of the government. The true believer could only advocate a return to nature, and the destruction of all governmental units or institutions resting on force; and anarchism, which was the ultimate goal of Bakunin's political thought, was merely the logical outcome — or the logical *reductio ad absurdum* — of the romantic doctrine.[1]

Bakunin was himself irresponsible and uncontrolled in his personal conduct. Giving freely of what he possessed, too busy fomenting revolution to earn his own support, borrowing from others when he could without repayment, employing no technique of social betterment except that of blind revolution, he achieved nothing in the improvement of the practical conditions under which men must live in human society.

The More Responsible Dreamer Type of Reformer. We may turn to another and somewhat more practical type of reformer, yet one who loved to plan in the abstract perhaps more than engage in the actual strife of practical reform. Yet Frederic C. Howe was never an extreme type of idealist who forgot or shunned the hard actualities of the present. He was often identified in one way or in another with important reform

[1] Edward Hallett Carr, *The Romantic Exiles* (Frederick A. Stokes Co., New York, 1933), pp. 225–226.

movements, and from time to time he held significant administrative positions in government. It must, however, be said that his achievements in reform activities never quite equalled his more enthusiastic written plans for and exhortations to reform. This was markedly the case when he had the task of protecting the consumer against exploitation by the retailer and wholesaler in the first administration of President F. D. Roosevelt. It is perhaps significant that the idealism which he describes in the following selection was characteristic of his more bookish days. It seems that he became somewhat disillusioned about the ease with which reforms might be achieved, due to his later administrative experiences.[1] The selection has the additional advantage of describing an enthusiasm for reform that was more or less contagious in the early years of the present century.[2]

The years from 1911 to 1914 were a happy interim for me. Working with college men and women who were convinced that the old order was breaking up, living in a world that had confidence in literature and in the power of ideas, it seemed to me that a new dispensation was about to be ushered in. A half-dozen magazines had built up their circulation on disclosures of corruption and economic wrong; Lincoln Steffens, Ida M. Tarbell, Ray Stannard Baker, Charles Edward Russell had the attention of America; forums were being opened in the churches, city reformers were springing up all over the country. A dozen insurgents had been elected to Congress; direct primaries, the direct election of United States senators, the initiative and referendum were being adopted, while municipal ownership, labor legislation, woman suffrage, and the single tax seemed but a short way off. It was good form to be a liberal. Conservative lawyers, bankers, and men of affairs stepped out from their offices and lent their names to radical movements. They presided at meetings and contributed to causes. Branches of the Intercollegiate Socialist League were being organized in the colleges, woman suffrage was enlisting the most prominent women of the country, President Roosevelt was providing catchwords for radicals to conjure with, while Woodrow Wilson was taken from the cloisters of Princeton to be made governor of New Jersey, to be later elected to the presidency.

"The new freedom" was to replace the old serfdom of bosses, the younger generation was to achieve the things that had been denied my own — a generation ignorant of the old Egypt of small capitalism, aware of the crude feudalism of the new. The political renaissance was now surely coming. It would not stop with economic reform; it would bring in a rebirth of literature, art, music, and spirit, not that which came to Italy in the thirteenth century after the *populo grasso* had made their pile and then turned to finer things. The colleges were to lead it; it was to have the support of the more enlightened business men; it would call forth the impoverished talents of the immigrants and the poor. The spirit of this young America was generous, hospitable, brilliant; it was care-free and full of variety. The young people in whom it leaped to expression hated injustice. They had no questions about the soundness of American democracy. They had supreme confidence in the mind. They believed, not less than I had always believed, that the truth would make us free.

[1] From Frederic C. Howe, *Confessions of a Reformer* (Charles Scribner's Sons, New York, 1925), pp. 317–325.

[2] *Ibid.*, pp. 249–251.

The Age of Reform. This marked enthusiasm for reform had begun much earlier than the time to which Howe refers in the passage quoted above. In fact, it is not possible to trace it back to its earliest beginnings, for they probably antedate even the ancient Hebrew prophets. But we know the Puritans of the seventeenth and the Methodists of the eighteenth centuries were ardent in their attempt to reform the personal morals and manners of people. Late in the eighteenth century, under the influence of the rising belief in indefinite personal and social perfectibility, there had grown up, first in France and later in many other countries, a tremendous enthusiasm for social and political reforms that extended far into the nineteenth century. For a time it looked as if most of the outmoded institutions of mankind would either be swept away or profoundly modified in short order. But this enthusiasm for sweeping reform gradually diminished and narrowed itself mainly into a drive for political and economic reforms, to which later were added economico-social reforms, such as those embodied in factory legislation; for reforms of public morals, including in particular temperance reforms and the control of prostitution; and finally educational reforms and the betterment of living conditions generally. In the nineteenth century the interest of the people was perhaps chiefly concentrated upon political (democratic) reforms and upon the abolition of slavery. Late in the nineteenth and early in the twentieth century reform enthusiasm was for a time strongly concentrated upon the purification of politics and the reclamation of governments from boss rule, corruption, graft, and inefficiency. Thus we see that there had been something of a rough progressive development in reform from early attempts to change personalities for the better toward a stronger concentration upon social and civic betterment. This latter motivation gave rise to what was known as the "muck-raking" reform movement. Some of its early endeavors may be adequately illustrated by the following passage.[1]

Many people believed the sensational charges made by Stewart, Ridpath, and others; and impatient reformers complained of the difficulty of awakening the sleeping conscience of the people to a realization of the "essential immorality and injustice of the present social conditions." Benjamin Flower and his *Arena* constantly pointed to the desperate condition of the poor, and ridiculed all talk of prosperity while it remained true that one person out of every ten who died in New York was buried in Potter's Field. Flower advocated cooperation as the remedy for "our monstrous economic order," but other reformers argued for government ownership, and Frank Parsons had a long series of articles in the *Arena* in which he sought to show the advantages accruing to citizens of various European countries from government ownership of the telegraph.

Magazine writers often lamented the fact that the moral forces of the country were not organized, and in 1893 Benjamin Flower suggested the organization of a

[1] From C. C. Regier, *The Era of the Muckrakers* (University of North Carolina Press, Chapel Hill, 1932), pp. 29–31, 42.

"League of Love" or a "Federation of Justice," which should be open to all people who wished to promote the interests of humanity irrespective of race or creed. The suggestion seemed to bear fruit, for a Union for Practical Progress was organized on a nation-wide scale. Many cities had local clubs, and these the *Arena* encouraged by printing suggestions for conducting meetings and for organizing the moral forces of the community. Successful groups, such as the Baltimore Union for Public Good, were described in the *Arena*, and the New York *Voice*, and other papers cooperated by printing bibliographies and suggestions for discussion. Professor Thomas Elmer Will wrote an article for the national committee of the Union for Practical Progress in which he explained the methods which were to be employed in organizing and promoting social reform work. The program which he outlined for six months suggests the scope of the Union's activities:

June: Child Labor.
July: Public Parks and Playgrounds.
August: Prison Reforms.
September: Municipal Reform.
October: The Problem of the Unemployed.
November: Best Methods for Combating Political Corruption.

In 1898 a new League of Social Service was formed in New York for the purpose of uniting the efforts of the already existing organizations in the field of social service. Jane Addams, Washington Gladden, Edward Everett Hale, and Alice Freeman Palmer served on the advisory council, and Dr. Josiah Strong was president of the organization. Another organization of which the *Arena* approved was the National Conference of Social and Political Reforms, which met in Buffalo in July, 1899. Here there assembled Socialists, Individualists, Single-taxers, Silverites, Direct-legislationists, Green-backers, Populists, Democrats, and Republicans for the purpose of finding a practical plan for united action in order to bring about certain radical reforms. The Conference went on record as opposing the encroachment upon academic freedom in educational institutions; it established a free school of economics; it adopted a practical plan for a referendum of the independent reform vote which should make it possible for the people to unite at the polls; it established an instrument of enlightenment in the Social Reform Union; and it sent to the people an address written by George D. Herron and agreed to by the Conference. . . .

In education similar tendencies were stirring college presidents and professors, and the very practical question of academic freedom had awakened public interest in what was going on. In government and industry old standards still dominated, but toward government and industry a new public attitude was developing. Charles Henry Eaton, after having made a careful comparison of the *Forum* in America and the *Nineteenth Century* in England, for the decade preceding 1898, in an article entitled "A Decade of Magazine Publication" (*Forum*, October, 1898), reported that the great movements of the age were economic and political. He observed that our ideals and ways of life had been largely commercialized, but he stated that the subjects which had received most attention during the decade under consideration were those that had to do with the improvement of our social and political order. And our survey of the leading American magazines confirms his conclusions, for . . . there was much dissatisfaction with our national life, and . . . even those who regarded American institutions with the greatest placidity could not wholly escape the animated discussion of political, economic, religious, and educational problems that went on in the daily papers, in books, on street corners, and, most of all, in the magazines.

Types of Reform. There are a great many types of reform, and we shall not be able to consider all of them here. However, we may select for treatment a few of those which best illustrate idealistic and practical reforms that have been used for purposes of social welfare controls. One of the most idealistic of these, and yet with important although indirect bearings upon practical social reforms, is the revision of religious beliefs and practices. As a matter of fact, neither religion nor the reform of its institutional or other aspects is ever successfully separated from social relationships, nor is it desirable that they should be. In all ethical religions there must always be a deep interest in social reform; and usually the motive back of religious reform is the conscious or unconscious effort to secure a better emotional and intellectual leverage on social reform. It is felt, perhaps sometimes but vaguely, that the old religious ideas and practices do not contribute in the most desirable way to the best sort of individual or social behavior. The following brief quotation will serve to illustrate this point.[1]

> The tendency throughout the nineties was away from orthodox theology — indeed, away from theology altogether. Men were shaken out of their complacency and forced to face the results of science and of the historical criticism of the Bible. Denominationalism weakened, and a spirit of cooperation developed. The mood of the moment was hospitable to change, and by the end of the century liberalism was in the ascendant. In the cities the number of the unchurched grew, but on the whole the churches were increasing in membership. As has often been noted, the decline of interest in the world-to-come favored the growth of interest in the affairs of earth, and men who disagreed in theology could often work together for the betterment of mankind. Both the critics and the defenders of Christianity subscribed to lofty ethical codes, and even the agnostics were anti-ecclesiastical rather than anti-religious. Religious currents of the nineties, then, contributed to the development of an alert public opinion, not wholly adverse to change and reform.

The Reform of Justice. One of the most archaic of our governmental institutions is the survival of the practice of champions (lawyers) in the court, fighting verbally and by means of technicality, abuse, and other forms of emotional appeal for clients whom they are paid to defend, often contrary to rime or reason. Such contests are a travesty on justice, which frequently they do not even aim at. The following Associated Press account of a proposed court reform contemplated in Italy is therefore decidedly good reform news, provided the new system is administered fairly, or with due regard for the legitimate rights and welfare of all concerned. The one large opportunity for unfairness and exploitation occurs in connection with the statement near the end of the passage quoted, that the interests of the state would transcend the interests of the individual. All depends on how the "interests of the state" are

[1] From C. C. Regier, *The Era of the Muckrakers* (University of North Carolina Press, Chapel Hill, 1932), pp. 41–42.

interpreted. If the state actually represents the people as a whole and is identified with their welfare, it will be an excellent thing to have the interests of the state, or of the common weal, transcend those of any rebellious or self-seeking individual defended in court by a tricky and unscrupulous attorney. But if the state is to be identified with an exploiting oligarchy intent upon oppressing the masses, it is easy to see that the courts may become, by means of this reputed reform, a means of legalizing the most drastic tyranny and injustice. The reform, if sincere and in the public interest, should result ultimately in the replacement of partisan lawyers by competent investigators of the relevant facts and in decisions based on the merits of the cases instead of on emotion and trickery. The newspaper account follows.[1]

> Premier Mussolini has decided to abolish existing Italian courts of law, substituting state committees and socializing the legal profession, official sources disclosed today.
>
> Lawyers described the project as "one of the most important changes in twentieth century jurisprudence."
>
> A committee of eminent lawyers and officials from the ministry of justice is working out the details to replace the courts with the state boards, authoritative quarters asserted. . . .
>
> Cases involving monetary considerations connected with certain products — such as wheat, motor cars, transportation and the like — would be settled by committees of guilds embracing those products. Labor matters will be settled by labor committees. The ministry of the interior would appoint committees to deal with criminal charges.
>
> Lawyers said that, under the new system, they would become government functionaries the same as judges and other employees. The state would pay them regular salaries rather than fees.
>
> Lawyers' functions would center around attempts to ascertain the truth in a case and present facts to the jury clearly without passionate appeals for clients' interests. The interests of the state would transcend the interests of the individual. The number of lawyers would probably be limited after a certain period of experimentation.

The Public Defender. Falling short of such a radical and thoroughgoing revision of the processes of the administration of justice as that reported to be planned in Italy, there are still many reforms that may be carried through under our present championship system. One of these is the establishment of free trials for cases where small amounts are involved in litigation. Usually these popular courts operate without either attorneys or juries. The contestants tell their stories, answer questions put by the justice, and abide by his decision. This type of court originated nearly a generation ago in Kansas and has spread to a number of other states. Another significant reform in court procedure that has gained considerable headway is the provision

[1] From the Kansas City *Star*, Nov. 13, 1936.

of a public defender for those who are not able to provide adequately for their own defense. In an informal way, the courts have long been accustomed to appoint some attorney to perform this function, but very rarely has the service been discharged with conscientious care. Some cities and commonwealths have, however, provided special paid officers for this function. The purpose of this provision and the extent of the practice are stated in the following extract from an article on the subject by C. Lloyd Stanwood.[1]

> The primary purpose of the defender plan is to aid the indigent first offender against the law; to supply him with adequate representation in court; to rehabilitate him into good citizenship through proper contacts with social, philanthropic and charitable agencies; to save him, if possible, from a criminal career; and to enable him and his family to avoid a recurrence of the disaster. To accomplish this socially desirable objective justice must be tempered with a knowledge of human weaknesses and idiosyncrasies and a full analysis of the social and economic background of the offender.
>
> A public defender is not a new idea. We find numerous references in ancient history and also in the history in the making. It is not a unique development in St. Louis, since it is found actively established in six states and in 17 other cities in the United States.
>
> The defender plan, now operating in St. Louis on a modified scale, has been in successful operation in Los Angeles County, Cal., for more than 13 years; in the City of New York for 10 years; in Chicago for six years; in Connecticut, under legislative enactment, for 10 years; and for varying periods in Memphis, Tenn.; Milwaukee, Wis.; Omaha, Neb.; Portland, Ore.; Columbus, O.; and Richmond, Va.

It will be interesting from the standpoint of the technique of securing the adoption of a reform — a subject to be more fully discussed later — to present at this point the methods employed to secure the establishment of the office in St. Louis. It should be observed that the editorial that follows is itself a part of that technique.[2]

> After a campaign of almost a decade for its adoption, the public defender system has just completed a six-month trial period in St. Louis. Realizing its slogan, "Justice for the poor," the staff has looked after the interests of indigent first offenders in the criminal courts. Officials, social workers, attorneys and others praise its functioning, and hope for continuance of the work.
>
> The trial period was financed by a WPA grant of $9040 plus a contribution of $1400 from the Volunteer Defenders' Association, donated by private persons. Such an undertaking, however, should certainly be underwritten neither by the Federal Government nor by individuals. Obviously, it is a local function, important to the working of justice in St. Louis, that should be paid for by city funds. The cost is estimated at $12,500 a year.
>
> To set up the system and provide for its financing, a bill will be drafted by the City Counselor and submitted to the Legislature. St. Louis needs a permanent public defender system. The favorable experience of other cities and the indorse-

[1] From the St. Louis *Post-Dispatch*, Jan. 21, 1937.
[2] *Ibid.*, Jan. 15, 1937.

ments of local citizens are ample reason for passage of the enabling act. Virtual elimination of shysters who prey upon needy defendants and their relatives is only one result of the system elsewhere. We join heartily in bespeaking the Legislature's approval of the bill.

Penal Reforms. Another phase of our civilization in which there is a conspicuous lag is our system of punishing offenders. Reference to this problem was made in the chapters on punishment. In recent decades many worth-while reforms have been introduced in this connection, but there is still much to be done. Some of the most important reforms are the provision of sanitary quarters and a hygienic regimen for the prisoners, useful and healthful labor, literary and industrial training, normal contacts and recreation, library facilities, prison self-government, various incentives to good conduct, and post-prison rehabilitation. All of these methods deserve consideration and discussion here, but we shall have to confine our attention to one important movement: that for the reformation of the prisoner himself.

As we have already had occasion to note, the idea that a prisoner could be reformed, at least by any human agency, is rather recent. Penologists and criminologists became very hopeful regarding such possibilities after the famous Cincinnati penological congress led by E. C. Wines and Z. R. Brockway in 1870. Brockway later headed the Elmira Reformatory for a period of more than a generation, making a most earnest and not altogether futile effort at the reformation of the first offenders that came under his charge. While the reformatory movement did not yield as good results as had been hoped for, its advocates did learn an important lesson as to the causes of their limited success. It lay in the fact that prisons are not merely schools for reform, but are also schools of crime. The hope of reform therefore lies in the direction of substituting the school of reform for the school of crime that exists there. The teachers of crime consist of those men who, without incentive to good deeds, nevertheless desire recognition from their fellows, and thus actively boast of their evil deeds before the less sophisticated offenders and teach them both their cynicism and their criminal methods. The great remedy here is to take away idleness and free association under demoralizing conditions in prisons and to substitute therefor normal, interesting, and fruitful labor under wholesome conditions, and to give a chance for everyone to distinguish himself and gain recognition for virtuous qualities and deeds. Too much uniformity and regimentation in a prison leave only the abnormal and secret channels open for self-assertion and the winning of recognition. It has needlessly surprised many that the freer prison life is made, under proper and intelligent supervision, the more normal becomes the conduct of the prisoners. A sympathetic and understanding warden and assistants is a great asset

to reform in any prison. Political appointments and a political management in a prison are among the worst obstacles to reform. Some hardened characters in a prison population are such persistent obstacles to the character and personality improvement of other members that it is usually best to send them elsewhere.

Making Prisoners Fit for Civil Life. Too often the social theorist forgets the "practical" man's point of view regarding the problem of restoring the prisoner to participation in, or (if he has never had a normal participation) of initiating him into, normal civil life. Undoubtedly those who attempt to give work to ex-convicts often suffer many inconveniences and undergo considerable disillusionments as a result. One manufacturer employing something like 1000 men writes an article for a monthly magazine in which he declares emphatically that he will never employ an ex-convict, because released prisoners are so distorted by their previous lives and associations that they cannot possibly be normal or fit effectively into an administrative regimen. He furthermore believes that it is not the function of the business man to rehabilitate such persons for effective civil life, but that this should be done by the prisoners themselves. We shall let him express in his own, if somewhat unconventional, manner his convictions on this subject. He says,[1]

> No man should serve his sentence and then step out into the world. There should be a twilight zone, a period of preparation. If society's debt must be paid to the hilt, then add a year to each long sentence and call that a year of rehabilitation. For a year before release, let the convict put the dull, demoralizing routine of penitentiary life behind him. If the degradation and the crushing of his pride and his spirit have made him a better prisoner, a more docile captive, during the term of his imprisonment — then it can be relaxed when freedom looms ahead of him.
>
> Let the master psychologists of the pen, who are proud of their ability to reduce men to dull complaisance, expend their energies in rebuilding those crushed egos for the benefit of the world into which they are going to throw the results of their handiwork.
>
> For a year before release, I would let a man become accustomed to wearing the clothes of a free world again. I would ship him away from the prison that had witnessed his shame and the comrades who had shared it. I would give him work to do that he could take pride in doing and I would give him a free man's reward for that work. I would let him become accustomed to earning money before it becomes his necessity. I would teach him to save that money that he has earned and teach him to pay his bills. He would have a pay envelope every Saturday night and he would be submitted weekly bills for board and lodging and incidentals. I would put books at his disposal and lectures and entertainment — and he could buy those things and become accustomed to them once more, not as a convict who is being lectured at but as a man who is buying something that he needs and wants.
>
> Perhaps it might even be possible in some states to work out a variation of the CCC scheme, whereby these last-year men could be given a taste of healthy outdoor life to drive the prison contagion from their bodies while the psychology of the

[1] From Christopher Rollman, "Keep Your Convicts," in *Forum and Century*, CXVII : 105 (Feb., 1937).

course for freedom was cleansing their minds. Certainly, if such a program were followed, the steps to freedom would be attractive.

One year is not a long period of time when the damage of many years has to be repaired, but I am convinced that it is long enough if the builders of men work as efficiently in that year as do the molders who make a convict out of a man in his first prison year. Certainly, from the standpoint of society, that last year is more important than the first. The man who serves the first year is the convict that prison authorities must deal with during the course of his term — but the man who serves the last year is the man who is thrown on the community. . . .

As a taxpayer, I contribute to the support of every convict in the State. They have to live, and I do not begrudge my share; but I should like to pay a little more — if it would cost any more — to provide each of those convicts with a year of training — not in manual arts or beadwork but simply in the art of being a good citizen. I should like to see them get not only theory but practice and I look forward to the day when it will be just as difficult for a convict to enter the United States from the alien world of the penitentiary as it is for the foreigner without a criminal record to enter through Ellis Island. They've lost their citizenship — let us make citizens of them.

The Prison Regimen. The success of the rehabilitation of the prisoner and his consequent fitness to become a free member of the world outside will depend in large measure upon the sort of regimen or treatment he has been subjected to within the prison. This fact has long been recognized, but the establishment of practical and successful methods is yet far from completion. We therefore offer some suggestions with reference to this program which seem to be based on dependable experience and observation.

In the first place, the methods of grading and classifying prisoners within penal institutions are usually far from adequate for purposes of reformation. Rewards for virtuous and responsible conduct are especially necessary here. Among these should be pay for work, which should be increased somewhat when the disposition of his wages by the prisoner is of a meritorious character, such as contribution to the support of his dependents or to his own self-improvement. Labor should be educative and character building in its nature. All prisoners should, if possible, learn to be self-supporting when they are released, and while still in prison. It would in fact be well to advance the most promising prisoners to a free labor full pay wage basis and to transform them into normal wage earners, who pay their own board and lodging and are given quarters in a privileged section of the prison, where they may in a measure choose their own rooms and other services. Prisoners should also be encouraged to seek intellectual training and should have working time remitted for this purpose and for the development of special vocational skills or knowledge in classes of instruction.

But the chief task as well as means of reformation in a prison should be in the development of a part or of the whole of the prison population

in the capacity for self-government. There should either be more segregation in prisons as they now exist or more prisons, in which the inmates could be associated according to their achievement of capacity for self-control and responsible free association. Within the same prison there might well be a number of district cell or community houses, each with its separate grading and ranking records according to the degree of responsible self-control attained by the inmates. Men should be promoted from one such community house, with its recreation and study rooms, to another according to their individual achievements. Perhaps the prisoners should themselves be given the chief control (always under some sort of intelligent supervision) of the membership in their several community houses. If properly graded and supervised, the last of these community houses should offer conditions practically identical with those of free society and should constitute the final test for release into free society. Sentences should themselves be indeterminate and no one should be released unless he showed ability to climb from whatever house he was originally placed in to that of the highest grade. Even then he should go out upon parole for a certain period before final freedom was granted him. Our present basis of granting paroles is irrational and its success is very inadequate, because the tests of fitness are themselves inadequate. Here would be a test of actual living, not of random observations by officials and pious promises merely. With such a prison system as this, embodying these and other intelligent methods of dealing with the prisoner, greater hope than we have at present might be entertained for his reform and restoration to as nearly normal society as we possess outside prison walls.

The Need for a New Parole System. Admittedly, then, one of the outstanding defects in our methods of preparing the prisoner for a successful life outside the prison lies in connection with the parole system. The difficulty begins in the preparation of the prisoner for parole and in the methods of ascertaining his fitness for conditional release, and it continues under the administration of parole itself. Unless the prisoner has been reformed before he leaves the prison his release will be a detriment to both himself and society. Parole was instituted originally for the purpose of guarding society against the evils of the unconditional release of convicts habituated to crime. The early object of parole laws was to give the state the legal right to reincarcerate the discharged prisoner without a new trial if he was caught in criminal behavior within a specified period after his release. More recently the conception of the function of parole has changed to that of reform of the discharged prisoner. Thus parole is intended to supplement the work of the reformatory prison. The discharged prisoner is placed under the supervision of a parole officer whose business it is not

merely to watch him to see if he commits crimes, but to assist him in avoiding a return to a criminal career. Unfortunately, however, the politically minded judges frequently do not adequately appreciate this reformative function of parole and appoint parole officers who are incapable of rendering the assistance to the ex-convict that is necessary. Also, the tests of fitness of prisoners to go on parole are nearly always inadequate, largely because the parole boards are either careless, are influenced by political considerations, or do not know how to make these tests with precision. Also, there are not enough parole officers to do their work efficiently even when they are disposed to do so.

It is quite clear, therefore, that there is an urgent need for various reforms in our parole system. Warden Lawes [1] has urged in this connection that all parole functions should be taken away from courts and lodged in special boards made up of competent penologists and sociologists who should have at their disposal the supplementary services of physicians and psychiatrists. This board should also keep adequate case histories of prisoners as a basis for consideration of their applications for parole. A proper system of classification of prisoners and prisons would separate psychopaths and incorrigibles or habitual offenders from normal first offenders and the more hopeful cases. This board, furthermore, should have the power to lengthen or shorten sentences according to the needs of the prisoner and no prisoner should be released on parole or otherwise until the board had become convinced that he was reformed. The process of reformation within the prison should include medical and psychiatric treatment, education, and vocational training and guidance. When finally given a conditional release the prisoner should be turned over to an adequate force of parole officers well trained for their function. These officers should seek the cooperation of churches and other community organizations and agencies in the performance of their work of supervision and guidance in character education. Warden Lawes does not suppose that these reforms would prevent all recidivism, but he does maintain that they would greatly lessen the obvious inadequacies of our present system.

Miscellaneous Reforms of Justice. The missteps in the administration of justice are legion. We shall refer in passing to a few types that are of such frequent occurrence that they cry out for reform. One signal abuse of this sort is the lax or even corrupt granting of paroles and probation and pardons. A news item of December 14, 1936 carries the account of a driver of an automobile who ran over and killed a young woman on the public highway the previous February. He fled from the scene of the accident and secretly repaired the damage to his

[1] "The Parole Question," *Harper's Monthly Magazine*, May, 1938, pp. 645–646.

automobile so as to avoid detection. Nevertheless he was apprehended, convicted, sentenced to a six months term in jail, and a few hours later paroled by a local parole board, consisting of the circuit judges and the prosecuting attorney who prosecuted him — all of whom must have been fully aware of the circumstances. A local trade paper took up the case upon complaint of a relative of the person killed, a big city daily repeated the story, and the parole board made haste to rescind its obviously unjustifiable action.

A certain state provides that cases in which members of the state legislature then in session are employed as attorneys must be delayed until the session of the legislature is over. A very considerable number of persons who fear to have their cases come into court employ such attorneys every legislative session. This fact helps further to reveal the type of lawyer that may be elected to state legislatures.

The political appointment of judges also comes up for criticism as often as a public spirited newspaper can be found to espouse the cause of efficiency and honesty in the courts. Such a case caused much discussion in Missouri early in 1937, when the senior senator of that state was induced to withdraw his independent candidate for a federal judgeship and accept the candidate generally regarded as sponsored by the state party machine. A daily newspaper commented editorially upon the case as follows.[1]

> Whether or not Judge Collet is qualified for the important post for which he is recommended by Missouri's United States Senators, the fact remains that the appointment is a political appointment, dictated by political considerations. As such, it is another indictment of the system by which Federal Judges are chosen.
>
> This system has been condemned repeatedly by the *Post-Dispatch*. We intend no reflection upon Judge Collet, either as an individual citizen or as a public officer, when we condemn it again. The identity of the political appointee is beside the point. It is the system which is at fault and it is at the system that public opinion should direct its vigorous protest. . . .
>
> Who can say that when the name of Judge Collet goes to the Senate for confirmation the appointing power will be the President? Only in theory will the President make the appointment. Actually, the appointment will have been made by Senator Harry S. Truman, junior Senator from Missouri, who holds his seat because the Pendergast machine went down the line for him in the 1934 primary for the senatorial nomination after the boss had declined to support his young lieutenant for the lucrative post of County Collector. What a perversion of the spirit of the Constitution it is!
>
> Other states are witnessing spectacles of the same sort. In Kentucky, in Oklahoma, in Oregon and elsewhere, the politicians are in mad scrambles over new judgeships created by the last Congress.

Obstruction by Grand Juries and by Courts. Not infrequently grand juries, either because of the special interests or friendships of the

[1] Adapted from the St. Louis *Post-Dispatch*, Jan. 15, 1937.

members, or because of some political tie-up with criminal practices in the community, cannot be induced to vote indictments in obvious cases. A conspicuous scandal arose in St. Louis in December, 1936, over the refusal of a grand jury to vote indictments for fraud in a local bond election. Finally the judge who had charge of the grand jury was transferred to the domestic relations court and a new judge dismissed the offending grand jury. At the next session of the court a grand jury, with a keener sense of its obligation to the public, but with less devotion to successful bond issues — regardless of how they might be obtained — was appointed; but another judge blocked its action in the case.

A penetrating editorial in a leading daily paper recently called attention to the difficulty experienced in recent years in securing indictments and court action against criminals in Kansas City, Missouri, even after grand juries had reported on the local condition of lax law enforcement. The editorial blames the situation upon a partnership between the bosses and the underworld. Part of the editorial is as follows.[1]

> The . . . Jackson County grand jury of two years ago . . . reported: We find that Kansas City is infested with gambling, racketeering and other forms of lawlessness and so dominated by intimidation and threats of reprisals by the underworld that citizens are afraid to tell the truth to the grand jury.
>
> The foreman of that grand jury, Russell Greiner, cited by way of concrete example the election in April of that year, when four persons were killed, many others beaten, and all sorts of election irregularities brazenly carried out. This, he said, "exemplified the power of the forces which have undermined the social and economic structure of the city." Overwhelmed by the magnitude and lawless arrogance of the underworld organization, Mr. Greiner despairingly said that a grand jury "is but a gesture at law enforcement."
>
> There was another Federal grand jury in November, 1934, that reported to United States District Judge Merrill E. Otis on "the criminal mobs and racketeers that flourish in Kansas City," "the unbridled gambling" and the "inefficiency of the police," on the red June morning in 1933, when the Union Station massacre wrote a factual chapter of border-day fiction. Regret, too, was expressed that "the jury has been greatly handicapped by the fear of witnesses to tell the truth."
>
> And still farther back there was the moral indictment of the rulers of Kansas City by the late Circuit Judge Page, who told the grand jury it could expect no help from the Police Department and asserted that crime was then levying a heavier tax on business in Kansas City than the Government.
>
> That tax judgment was subsequently verified in comparative accounting by the secretary of the Insurance Committee of the Chamber of Commerce. One item will suffice. The theft coverage of a $500 automobile in Kansas City, at the time, cost $26.50. In St. Louis, the charge was $8, in Los Angeles, $5.25. Only Chicago had a higher rate than Kansas City.
>
> When political bossism and the underworld go into partnership, as they always do, the consequences, civic, social, moral and financial, follow the same old beaten paths under the overlordship of Tom Pendergast, in illness or in health.

[1] From the St. Louis *Post-Dispatch*, Jan. 13, 1937.

What's to be done about it? The decent citizenship of Missouri is looking toward Jefferson City, looking directly at Gov. Stark.

Intervention of Federal Courts. It was in this same Kansas City that the local grand juries could not be induced to investigate vote frauds so potent that in some precincts, it is said, more votes were counted than there were residents in the precincts. A federal judge was induced to take action when the local courts would take none. A newspaper editorial comments on the situation as follows.[1]

Heartening indeed is the word from Kansas City that Judge Albert L. Reeves has instructed a Federal grand jury to investigate election frauds in that city.

It should not have been necessary for a Federal Judge to take the initiative in what is primarily a State concern. There are ample laws on the Missouri statute books to insure honest elections. But when State enforcement fails as it has failed in Kansas City, good citizens must welcome Federal intervention. That intervention is possible in the case of the last election, Judge Reeves explains, because it involved the choice of Federal office-holders.

The long-continued defilement of the ballot in Kansas City, down to and including the last election, is notorious. It has made the name of Kansas City — and of the State of Missouri — a byword throughout the nation. Equally notorious is the failure of the appropriate officers of the State to move effectively against the corruptionists.

The action of Judge Reeves in invoking the Federal law is at once a deserved rebuke to those State officials who have helped to bring shame upon the State and a promise that now at last something will be done to end an intolerable condition.

The instructions of Judge Reeves to his federal grand jury in this case are reported as follows.[2]

When a dishonest vote is introduced into the ballot box, it tends to contaminate the whole Government. A fraudulent ballot is a common enemy, a canker gnawing from within. We cannot surrender our ballot box to plug-uglies and hoodlums who parade the streets with machine guns. We must not stand them any longer. I cannot sit quietly in my district and witness the open flouting of election laws. . . . Gentlemen [he said] reach them all, even if you find them in high authority. Move on them!

Many proposals have been made to take judges out of politics, but none of them has been successful so far.

Administrative Reforms. We must be even more brief in our treatment of this type of reform. The adoption of business methods in the management of cities is one of the most striking examples of administrative reforms. A recent editorial comments upon results obtained in Cincinnati as follows.[3]

City Manager Dykstra of Cincinnati has issued one of his periodic reports. All those who are familiar with the remarkable change which proper administration of

[1] From the St. Louis *Post-Dispatch*, Dec. 15, 1936.
[2] *Ibid.*
[3] *Ibid.*, Jan. 8, 1937.

the city manager form of government has wrought in Cincinnati will expect good news. And they will not be disappointed. Thanks to the business-like management of the city's affairs, Cincinnati has been able to reduce its general bonded indebtedness by $14,000,000 since 1931. This has not meant a sacrifice in the city's services to its residents; during the same period, new bonds in connection with public works amounting to more than $3,600,000 have been issued. Moreover, the year closed with substantial balances in all operating funds and the prospect of pay advances for city employees. What might a city manager administration, headed by a Dykstra, do for St. Louis? It is a question worth thinking about.

Various attempts have also been made to introduce better organization and more scientific and efficient methods into the administration of county and state governments and into the national government at Washington. The adoption of a unicameral legislative system in Nebraska is the most striking recent reform of this type. Recently some challenging defects in the administrative work of the Federal Department of State have been pointed out.[1] The federal pension system in this country has always been a source of corruption and unsavory politics. These conditions seem to be reappearing in the local and state administration of the Federal Social Security Act, wherever it is in the hands of a political machine. Reform of the administration of pensions and benefits is urgent.

The large number of people (more than 38,000 in the year 1938) killed by careless, drunken, and incompetent automobile drivers has long been a national scandal. The several methods of reforming this situation have not been made use of adequately. Slight and laxly enforced penalties are perhaps the chief difficulty. The cheapest and least risky way to kill another person in the United States is by automobile. It rarely costs over two hundred and fifty dollars in fines, and frequently not as much. Effective driver's license laws, and the withdrawal of the privileges of driving a car for each act of wilful disregard of traffic regulations, would go far toward remedying the deplorable situation, but it is very difficult to secure proper legislation from our politically organized legislatures or to secure enforcement of the laws we have.

A Cross Section View of Reforms in Administration. It has been impossible to do more in this chapter toward the concrete elucidation of social reform processes as techniques of social control than to add a few typical cases of reform movements to a general discussion of the subject. It may therefore be helpful to present here a cross section summary of the administrative reforms undertaken throughout the United States in a single week. Fortunately such a summary is ready to hand in the quoted paragraphs that appear below. It should be

[1] See Hubert Herring, "Our Inadequate Department of State," *Harper's Magazine*, CLXXIV: 225–238 (Feb., 1937).

noted, however, that the reforms indicated and summarized here are not generally speaking legislative in character, but are primarily sought through the courts. When reform fervor has been aroused the specific reforms are likely to take on this character as promising most immediate results while the public enthusiasm lasts. Legislative reform is slower, and frequently fails to remove the specific evil, which in politics is usually the result of a particular administrative defect or perversion. Legislation provides only a general formula for reform; the execution of the reform depends on administrative faithfulness, which sometimes can be compelled only by court action, as in the cases here described. Education as a method of social reform is slower still than legislation, but it usually underlies and prepares for legislative reform, just as legislative reform action affords an impetus to and a justification for administrative reforms enforced through the courts. The cross section exhibit of administrative reforms follows.[1]

There is an old saying, commonly attributed to the late Dr. Charles H. Parkhurst, militant New York reformer of the '90s, that, while the wicked flee when no man pursueth, they make better time when someone is after them. This week forces of civic virtue in various parts of the United States were testing Dr. Parkhurst's observation by going after public officials suspected of venality.

In Brooklyn, N. Y., John H. Amen, special prosecutor appointed by Gov. Herbert H. Lehman to investigate long-smoldering charges of lax law enforcement and official corruption in Kings County, tapped the reserves of J. Edgar Hoover and brought William I. Conway, former FBI agent, from Chicago to track down alleged sellers of immunity to racketeers and gangsters in that city. Amen announced that Conway's investigating staff will be composed entirely of former G-men.

In Waterbury, Conn., famous for clocks, citizens set their timepieces early to make sure of seats in Superior Court at the trial of a score of local officials accused of "defrauding the city of millions." Heading the long column of defendants was T. Frank Hayes, versatile Mayor of Waterbury, who is also Lieutenant-Governor of Connecticut, and who frequently slips away to near-by race tracks to watch his own thoroughbreds run when he isn't functioning in his dual capacities.

Mayor Hayes' troubles started last year when he failed to reelect Daniel J. Leary, his Democratic associate, to the Comptroller's office. Sherwood Rowland, Republican, pulled up in front of Leary with just 33 votes to spare. When Rowland took over Leary's office at the beginning of this year, he began to pry off the lid. The Waterbury *American* and *Republican*, long foes of the Democratic machine controlled by Hayes and Leary, hired New York accountants to assist at the lid lifting. Together they found plenty. Rumors of padded pay rolls, missing records, phony checks, and queer expense accounts flew over Waterbury.

Finally, in May, a special grand jury charged that Mayor Hayes and the chief officers of his cabinet, prominent Democrats and Republicans, had united in operating "a powerful, ruthless, and corrupt conspiracy which cost the city of Waterbury more than a million dollars." Wholesale indictments were returned and bench warrants issued. One defendant promptly skipped town and hasn't been seen since.

[1] From *News-Week*, XII, Dec. 12, 1938, pp. 12–13.

When the Mayor and others appeared at the court house to arrange bail, huge crowds gathered outside and booed until police were called. It was expected that the trial, which opened last week, would drag on for months.

Meanwhile civic house cleaning in Los Angeles, begun by Mayor Fletcher Bowron, successor to recalled Mayor Frank L. Shaw, had reached the point of wholesale reorganization of the Police Department. Two hundred bewildered patrolmen were pounding unfamiliar pavement, while the grand jury have brought about the ousting of civil-service examinations. Already combined efforts of the Mayor and the grand jury have brought about the ousting of the police and civil-service commissions, the indictment of several officials, and the flight to Mexico of an accused police lieutenant.

Investigators have disclosed that Los Angeles firemen were paying fixed rates for admission and promotion. Battalion-chief examinations went on the block at $450, captains' at $250, and entrance examinations at a mere $100. A former civil-service manager, turning state's evidence, revealed that he was compelled to take orders from Joe Shaw, brother and secretary of the recalled Mayor, now under indictment. The witness said Shaw tossed him lists with curt instructions: "These names have to go on top." For a long time they did, but now, under the impetus of Mayor Bowron's reform drive, a rookie can turn a hose on a Los Angeles fire without paying for the privilege of so dousing the citizenry.

On the other side of the continent, Mayor S. Davis Wilson of Philadelphia was brushing aside charges cast up by the national reform wave. On Sept. 9 Wilson was indicted for "misbehavior in office, failure to suppress gambling, and unlawful demotion of policemen and firemen." In November the indictment was thrown out.

A few days later, however, a special grand jury handed Judge Curtis Bok a 25,000-word presentment charging that the Philadelphia Department of Public Safety was riddled with politics, that high officials were incompetent, and that Wilson, by placing rubber stamps in charge, was responsible. On Nov. 25 Judge Bok received another presentment, accusing the Mayor of borrowing $53,700 from a group of persons "who might be interested in having him pull his punches." The jurist, forwarding the jury's findings to Governor Earle, the President of the Senate, and the Speaker of the State House of Representatives, virtually asked for Wilson's impeachment. Wilson promptly insisted that the Governor and legislature have nothing to do with impeachment of the Mayor. Nevertheless, Pennsylvania politicians are speculating on what action legislators will take on their return to Harrisburg next month.

Up in Lewiston, Maine, residents still are gasping at the strange case of Mayor Donat J. Levesque. Accused of accepting a bribe for the appointment of a city health officer, Levesque was brought to trial last month in Superior Court. The jury disagreed and the case was continued to the January term. The Mayor, still under bail, returned to the City Hall and resumed his duties. Last Friday he negotiated with a local bank for a $300,000 municipal loan while the police vainly sought three other officials involved in bribery charges.

Elsewhere in the nation other reform crusades hit unlucky public officers. In Pittsburgh the grand jury subpoenaed bank books of high officials of the law department to determine whether anyone connected with the city government had profited by the so-called "consent verdict racket," by which settlement of damage cases without jury trial is alleged to have cost the city $375,000. At Newburgh, N. Y., newspapers accused leading office holders of fraternizing with the "front man" for all the rackets in Orange County. At the same time, widespread illicit still and liquor operations, said to have been discovered in the shadow of the city

hall and police headquarters, caused a Federal grand jury to call the "reprehensible conditions" at Newburgh to the attention of Gov. Herbert H. Lehman in a demand for a thorough investigation of the city administration. And in Minneapolis Judge William A. Anderson, conducting a one-man war against alleged lax police enforcement, declared that it might be a good thing to have a special prosecutor and a special grand jury to investigate gambling and vice in that city.

As the spirit of reform spread, at least two cities, fired by La Guardia's overthrow of Tammany in New York, cast about for big names.

In Chicago, the so-called "school board gang," a group of traditional reformers bent on unhorsing the Kelly-Nash machine in Cook County, sent a delegation to Washington to urge Harold Ickes, Secretary of Interior, to enter the primary Feb. 28 as a "clean government" fusionist. To reporters Ickes said: "I am open-minded about it. My first love in political life as a youth was fighting the Chicago traction interests."

San Antonio, Texas, still embarrassed by a grand-jury disclosure of tax irregularities which drove Frank Bushick, Sr., picturesque Tax Commissioner, to resign under fire, began a movement to draft former Rep. Maury Maverick for the City Hall job.

An Effort at Reform That Almost Failed. Much has been written in recent years about unsavory political control in Kansas City. The rather cynical news article which follows gives an account of an attempt by the Governor of Missouri to initiate certain administrative reforms in that city through the law department of the state government and the courts. In this attempt he was not immediately very successful, due perhaps to forces and circumstances suggested in the article itself. This case will serve to illustrate some of the obstacles that may be thrown in the way of social reforms initiated through the administrative branch of a government when not all of the departments are in harmony with the chief executive. The requirement of a huge fund to carry on the reform work (it is noteworthy that no special fund was required for the federal prosecution of the vote frauds in the same city as described in a previous chapter of this volume) would in itself be adequate to frustrate the undertaking in the absence of a strongly favorable public opinion to support the move. It is not often that governors bestir themselves to urge or undertake such reforms; and the cynical writer here suggests that there may have been a partisan political motive which caused Kansas City rather than St. Louis to be selected for reform activities.[1]

In the 1850s, when Kansas City was the mecca and market for Texas cattlemen, bawling ox teams brought the first loads of gamblers, prostitutes, and drunks to the fork of the Kaw and Missouri Rivers. Ever since then, somebody has been trying to run them out.

Thirty years ago, Gov. Joseph Folk became the first Missouri chief executive to tackle the task. A few saloons near the old Union Station in the West Bottoms lost

[1] From *News-Week*, XIII, No. 2, pp. 15–16 (Jan. 9, 1939).

their licenses; the women shinnied up the bluff to better quarters; and soon Kansas City returned to normalcy.

Three years later a bright young lawyer interested a militant preacher-editor in another vice crusade, the two of them ran the women off the point below Fourth Street, and the young lawyer delivered to his railroad client a fine switchyard site for half the sum the property owners had asked before the "cleanup."

In the ensuing years there have been sporadic drives on sin every three or four years, but all failed because of the unholy alliance of crime, politics, and indifference. Last week, Gov. Lloyd Stark bucked the same combination. Describing conditions in Kansas City and Jackson County as "a stench in the nostrils of decent citizens," the governor directed Attorney General Roy McKittrick to clean up Missouri's problem city as Thomas E. Dewey had cleaned up New York and tossed a critical shaft at Prosecuting Attorney W. W. Graves and "any law-enforcement officer who has failed or refused to perform duties enjoined upon him by law."

In his letter to McKittrick, the Governor asserted that the gambling racket in Kansas City "is carried on openly"; that "houses of prostitution flourish within the very shadows of the courthouse and the City Hall; that women solicit openly, unashamed and unafraid of official authority," and that gangsters and racketeers operate unmolested.

In reply, McKittrick, who owes his office to Boss Tom Pendergast, bitter foe of Stark, reminded the Governor that if he was to be another Dewey he must have some of the New Yorker's weapons in the form of assistants and investigators. Insisting that he did not "care to do any shadowboxing or make any futile efforts," the Attorney General urged the Governor to appeal to the incoming Legislature for at least $100,000 to carry on the fight.

Boss Pendergast and his machine are not worrying about the quadrennial fireworks to make taxpayers think they are getting something for their money. The Governor doesn't like Tom. Graves and McKittrick have to like Tom. "So what?" grins Tom. Even the anti-Pendergast papers get a snicker out of the fact that vice in St. Louis is played down in contrast to that in Kansas City. (The St. Louis machine isn't anti-Stark.) McKittrick drew the Governor's fangs anyway with the mere suggestion of a $100,000 appropriation; downstate Missouri farmers wouldn't vote $100,000 to clean up anti-Confederate history books.

Kansas City gamblers haven't time to worry about Stark, because they're busy worrying about the jump in the "lug" paid for police protection from 30 to 40 per cent, to provide for families of deserving wardheelers sent to prison in the vote fraud scandal last spring (*News-Week*, Apr. 11).

As for the decent citizens, the machine tenderly regards them as no worse off than the decent citizens of almost any big American city. They don't live in the brothel-gambling districts, and they have their fair share of mansions and rolling lawns and art museums to take their minds off unpleasant goings-on "downtown."

Further Developments. Reform efforts such as the one just described often take curious and unexpected turns. Any unusual element in the local situation, political trading behind the scenes, political ambitions, or the personalities of judges, prosecutors, or of some persistent local reformer, may give rise to interesting and sometimes socially favorable developments. In this case, when it seemed as if Governor Stark's clean-up campaign was about to be successfully cir-

cumvented, a local judge with a will of his own took a hand with the results that follow.[1]

Notorious for being "wide open" (*News-Week*, Jan. 9), Kansas City, Mo., last week was, on the surface at least, as free from sin as a strawberry festival. Not only were brothels and some 70 gambling houses locked up, but even the boot-blacks on Twelfth Street refrained from matching pennies.

The man who accomplished the amazing transformation was a canny judge of the Circuit Court, Allen C. Southern, who is independent of "Boss" Tom Pendergast's machine. Presiding over the criminal division, Southern sprang a surprise one-man anti-vice crusade by ordering Sheriff James E. Williams to raid the city's gambling places, which had been operating as openly as soda fountains. By the time Williams had carted off vanloads of chuck-a-luck cages, dice, chips, cards, and roulette wheels from the Snooker Club and the Fortune bingo palace, scores of other Lady Luck houses had hastily shooed out their clients and padlocked their doors.

The next day Judge Southern again rocked the city by calling a grand-jury panel to track down vice in all its forms. Although the crusader was careful to compile a jury list free from staunch Pendergast Democrats or politics-supported businessmen, so many of the 200 citizens called made excuses that proceedings had to be continued until this week.

Moreover, it looked as if Southern would have to carry on without the help of two potentially valuable allies. Frankly voicing distrust of W. W. Graves, Jackson County prosecuting attorney, who is already under fire from Gov. Lloyd C. Stark for not pushing criminal cases, the judge denied him access to the records of the Fortune bingo raid. As Attorney General Roy McKittrick announced that he could not cooperate unless he got a $100,000 appropriation from the Legislature, and as Pendergast has an iron grip on that body, the outcome of the anti-vice appropriation fight will probably be an advance tip on whether Judge Southern will have to battle the machine single-handed.

Kansas Citians, meanwhile, rubbed their eyes in bewilderment over the judge's audacity. They hope to be able to tell by how far he goes in his charges to the jury whether Kansas City is really going to get its long-delayed clean-up.

How an Editor Sees the Situation. The comment of the St. Louis *Post-Dispatch* on the developments here set forth is highly interesting as a side light on the difficulties of securing social reform in the modern politically controlled city. We shall close this particular case with the following editorial as the latest comment available while this is being written.[2]

Attorney-General Roy (Hotspur) McKittrick fulfilled advance expectations by withdrawing from the war on corruption in Kansas City before a shot was fired. Judge Allen C. Southern, who is urging the grand jury to look into the gambling racket, quickly took Mr. McKittrick's measure. After being informed by the Attorney-General that he has obtained no evidence of lawless conditions in Kansas City and that he would be dependent upon the police — the Pendergast police — for information of law violation, the Judge asked Mr. McKittrick to appoint a special prosecutor. This the latter refused to do.

[1] From *News-Week*, Vol. XIII, No. 5. Jan. 30, 1939, p. 16.
[2] From the St. Louis *Post-Dispatch*, Jan. 27, 1939.

It has been evident ever since Gov. Stark declared war on crime in St. Louis and Kansas City and ordered the Attorney-General to take the offensive that Mr. McKittrick had no heart for the job. His appeal for a fund of $100,000 to do the job was a bit of hemming and hawing that deceived no one, especially since he asked for a special appropriation, which almost surely would be killed by Boss Tom's agents in the Legislature. His subsequent behavior is in the same pattern.

If Judge Southern's grand jury is to accomplish anything, it will have to go ahead under its own power. Prosecutor Graves' shameful record automatically bars him from any sort of inquiry that might embarrass Boss Pendergast or his North side Italian allies. Mr. McKittrick, elected with Pendergast support, quit cold when asked to name a prosecutor who would really put up a fight.

W. W. Graves in Kansas City, Roy McKittrick in Jefferson City, Franklin Miller in St. Louis — what a galaxy of defenders the people have against the scoundrels who prey upon them!

The Merit System. The chief difficulty in the cases listed above is obviously "interested" politics. For approximately three quarters of a century there has been an active campaign in this country for the adoption of an effective merit system in the selection of civil service employes of various government units and for its honest enforcement, as a means to the prevention of just such conditions. In the early history of this effort at civil service reform attention was concentrated almost exclusively upon the federal government by the first leaders of the movement, such as George William Curtis and Dorman B. Eaton. Many, or most, of the reform ideals of the founders of the movement are yet to be embodied in law or enforced in practice. Says a recent newspaper editorial:[1]

The Civil Service Commission has seized the opportunity offered by the convening of the new Congress to make a sharp attack on the patronage system.

"The public service cannot thrive on a half-merit, half-patronage basis, whether in national, state or municipal administration," its statement says. The commission urges Congress to put all non-policy-making Federal offices under the merit system.

In this connection, the commission calls attention to a factor that makes civil service an urgent necessity more than ever before in our country's history. The various social security measures and other laws having direct bearing on the welfare of the people must be carried out by persons qualified to do so, not entrusted to persons rewarded with positions for their political activities.

Andrew Jackson said: "The duties of all public officers are so plain and simple that men of intelligence may readily qualify themselves for their performance." This was not true even in Jackson's time, a century ago; it is absurd in 1937. For better or for worse, the Government has embarked on a huge program of measures with which the citizens' daily life is intimately concerned. If this program is turned into a happy hunting ground for the spoilsmen, the result will be a costly and colossal failure.

The political parties are identified by differences of policy as to the Government's activities. Hence, it is only logical that administrators, those who formulate

[1] From the St. Louis *Post-Dispatch*, Jan. 8, 1937.

policies, should be allied with the party in power. But for the detail workers, the sole qualification should be merit, not partisan affiliation. It is high time that Congress acted on the reiterated plea for adoption of the merit system on a broad scale.

A Return to Simplicity and Sincerity in Government. One of the reforms most needed in government today is a return to a simple and sincere effort to make government honestly serve the best interests of the people as a whole. What is true in this respect of the needs of government is also true in a measure of the needs of other institutions. It seems to be an invariable result of growth and the achievement of power in institutions of any type that political favoritism and even the perversion of justice increases as their wealth and power to bestow privileges increase. They come more and more to neglect their original function of serving the welfare of the rank and file members and to be ends in themselves, or at least to promote the interests of the hierarchies that control them at the expense of the welfare of the masses. We might draw illustrations of this type of perversion of institutions from the ecclesiastical, business, philanthropic, or even educational institutions, but we shall give space only to a rather unique account of needed reforms of this sort in the administration of a state, first published in the *Missouri Farmer* and reproduced in a daily newspaper.[1]

It may be recalled that the writer was a candidate for this great office (the governorship) in the August primary last year, and while it is a far cry, I hope our readers will not consider me immodest if I briefly describe what the inauguration would have been like if I had been the center of its ceremonies.

Along about 9 o'clock this morning, I would have driven to Jefferson City in my aging automobile, and arrived there, and having found a place to park, I would perhaps have waited for the oath in "Jess" Brashear's office. There would have been no procession with radiant Colonels, for I consider the latter an ornamental nuisance, nor would there have been a military display. . . .

But once having taken the oath, and facing the members of the Legislature, then I would have said some things with the bark on, and the following would have been among the high lights of my address:

I would have demanded such a tightening up of our election laws that the man who counts a fraudulent vote, or who casts one, would hear the big gates of the penitentiary clicking behind him ere he had completed this act of treason. I would have asked that our criminal laws be so amended that the punishment of crime would be more swift and certain. I would have demanded that the State departments reduce their expenditures of the taxpayers' money to bedrock, serving notice that I would mercilessly reduce any appropriation bill that did not bear this demand in mind.

I would have asked for sufficient new revenue to supply relief to those in distress, and to carry out the State's pledge to the deserving old folks on old-age pensions, and have urged that this money be raised by an increased income tax and collateral

[1] From the St. Louis *Post-Dispatch*, Jan. 19, 1937.

inheritance tax, thus placing this burden upon those who are able to pay rather than upon bread, meat, clothing and shoes.

I would have asked for a constitutional amendment requiring the "hidden wealth" of our State (which consists mainly of money, notes and bonds) to pay its just share of taxes, thus taking some of the tax burden off farm land and homes, and I would have warned that I would veto any amendment that did not approach this problem fairly.

I would have served notice of my intention to create a State Highway Department that for once would give a square deal to the farmers' roads. I would have demanded such a revision of the liquor laws as would put an end to the dance halls and night clubs that are such a menace to the youth of our State.

I would have demanded a law turning the legal affairs of the State Insurance Department over to the Attorney-General, thus putting an end to the buzzards' feast which certain of the pet lawyers of the machine have had with the affairs of this department during recent years. I would have advocated a law giving municipalities the right to adopt municipal ownership by a majority vote instead of two-thirds. I would have demanded that in time to come, the farmers of Missouri be given just as much consideration as is accorded to banking and other big business. I would have served notice upon the special interest lobbies to keep their dirty hands off legislation, and finally, I would have said to the members of the Legislature, "I have no desire to dictate to you, but on the other hand, if, in my opinion, you should prove recreant to the trust the people have reposed in you, then I will not hesitate to call you to account before the bar of public opinion."

Meanwhile, I would have turned the mansion over to the belles and beaus, and told them to dance and make merry to their heart's content, and not knowing how to dance, and never having worn a dress suit, the chances are that, surrounded by a few veteran Missouri Farmers' Association leaders and members, and Dave Bales of Shannon and Jim Armstrong of Pulaski, I would have sat off in some corner and looked on, and from this the reader will appreciate that from a social standpoint I realize I would cut a very sorry figure as Governor.

The Abolition of War. Other major reforms, such as the abolition of war and of poverty, should claim our attention here. The abolition of poverty is an especially complicated theme and is usually handled in a special course or courses. We have already discussed at some length in a previous chapter the problem of war and its abolition. It is probably the most pressing of all our social problems. Perhaps a considerable majority of people are fully agreed as to the urgent necessity of checking or abolishing war, but it is very difficult or impossible to do away with wars as long as those who are in positions of power can secure a profit from armed conflict. If conquered territories and resources can be secured by ambitious rulers; if bankers, manufacturers, and other business men can draw profits from war; if the munition makers can gain by stimulating armament races, all that we know about these people from past experience leads us to the conclusion that they will promote war at the expense of public welfare and even at the cost of the lives of millions of people. The best efforts so far devised as a means to the ending of war seems to be to take the profit out of it. As yet it has not

been possible to secure legislation making this feasible, as obviously desirable as it is; but the following Associated Press dispatch indicates some of the efforts that are being made in this direction.[1]

Senator Connally of Texas urged Congress today to take the profits out of war by a system of wartime taxation and industrial control. He introduced a bill, provisions of which would go into effect automatically the day war is declared. He said it was intended to put future wars on a "pay as you fight" basis.

"It musters money as well as men," he said, "by providing for the drafting of industrial plants, factories, munitions and supplies. It effectively carries out the policy of the American Legion to draft industry and wealth."

House hearings on the Sheppard-Hill bill, which has a similar purpose, will be resumed Thursday.

Connally's bill would lower income tax exemptions to $800 for single persons and $1600 for married persons in wartime, and impose a steeply graduated surtax on all incomes over those amounts.

A person earning more than $50,000 over his exemption would pay an 80 per cent surtax, in addition to the normal 10 per cent income tax. The Senate Finance Committee approved a similar bill last winter.

Another bill, which would limit net incomes to about $10,000 during wartime, will be introduced this week by several members of the former Munitions Investigating Committee. Senator Nye of North Dakota, who headed that committee, said it would give the Government broad powers to fix prices, commandeer factories and draft industrial management.

The Predicted Triumph of Proletarian Reform. We may now turn to Jack London for a prediction regarding the ultimate triumph of proletarian reforms. With unrivalled economy of language he states the proletarian ideal better than the proletarians themselves could express it. They wish to replace the bourgeoisie or middle class just as the bourgeoisie replaced the kings and the nobles, or at least tamed them to be puppets and sponsors. Now the proletarians mean to rule and perhaps even to reduce the former masters of industry, finance, and commerce to the service of the common weal. Of course this triumphant statement was made before the rise of the dictatorships and the Fascist counter-revolutions. London expressed the ultimate objective of proletarian reform as follows:[2]

All this would seem very like a dream, even to the worker, if it were not for the fact that like things have been done before. He points triumphantly to the aristocrat of the eighteenth century, who fought, legislated, governed, and dominated society, but who was shorn of power and displaced by the rising bourgeoisie. Ay, the thing was done, he holds. And it shall be done again, but this time it is the proletariat who does the shearing. Sociology has taught him that m-i-g-h-t spells "right." Every society has been ruled by classes, and the classes have ruled by sheer strength, and have been overthrown by sheer strength. The bourgeoisie,

[1] From the St. Louis *Post-Dispatch*, Feb. 1, 1937.

[2] From *War of the Classes* (The Macmillan Co., New York, 1905), pp. 260–262.

because it was the stronger, dragged down the nobility of the sword; and the proletariat, because it is the strongest of all, can and will drag down the bourgeoisie.

And in that day, for better or worse, the common man becomes the master — for better, he believes. It is his intention to make the sum of human happiness far greater. No man shall work for a bare living wage, which is degradation. Every man shall have work to do, and shall be paid exceedingly well for doing it. There shall be no slum classes, no beggars. Nor shall there be hundreds of thousands of men and women condemned, for economic reasons, to lives of celibacy or sexual infertility. Every man shall be able to marry, to live in healthy, comfortable quarters, and to have all he wants to eat as many times a day as he wishes. There shall no longer be a life-and-death struggle for food and shelter. The old heartless law of development shall be annulled.

Yet Another Reform. But London does not share the proletarian's belief that such a change will solve all of man's social problems. It will only bring new problems which will be more insistent still — the eugenic problem for example. Our modern humanitarianism has already largely stopped the process of natural selection which formerly helped to eliminate the physically unfit. It brings upon us with renewed force the necessity of finding some method of continuing to keep up a selected breed. London saw this necessity more than a generation ago and states it in the passage that follows. He only asks the question of what is to be done and offers no solution to his problem. But an answer has already been found, at least in part, and various eugenic reforms are beginning to be put in operation. The movement to sterilize the congenitally unfit and the worst types of paupers, criminals, the morally perverted, insane, and similar types would work as a selective factor to eliminate the unfit. Various other eugenic mating laws, improvements in public health and hygiene, and even in the economic condition of the masses, and the elimination of the commercialized exploitation of the vices (if we ever grow into a realization of this need) should aid greatly in the same cause. London raised the question in a passage which was meant to be a direct challenge to the careless enthusiasm and self-satisfaction of the proletarian masses, who after all understand so little of the more fundamental problems and needs of society. He continues his comments.[1]

All of which is very good and very fine. And when these things have come to pass, what then? Of old, by virtue of their weakness and inefficiency in the struggle for food and shelter, the race was purged of its weak and inefficient members. But this will no longer obtain. Under the new order the weak and the progeny of the weak will have a chance for survival equal to that of the strong and the progeny of the strong. This being so, the premium upon strength will have been withdrawn, and on the face of it the average strength of each generation, instead of continuing to rise, will begin to decline.

[1] From Jack London, *War of the Classes* (The Macmillan Co., New York, 1905), pp. 262–264.

When the common men's day shall have arrived, the new social institutions of that day will prevent the weeding out of weakness and inefficiency. All, the weak and the strong, will have an equal chance for procreation. And the progeny of all, of the weak as well as the strong, will have an equal chance for survival. This being so, and if no new effective law of development be put into operation, then progress must cease. And not only progress, for deterioration would at once set in. It is a pregnant problem. What will be the nature of this new and most necessary law of development? Can the common man pause long enough from his undermining labors to answer? Since he is bent upon dragging down the bourgeoisie and reconstructing society, can he so reconstruct that a premium, in some unguessed way or other, will still be laid upon the strong and efficient so that the human type will continue to develop? Can the common man, or the uncommon men who are allied with him, devise such a law?

Reform of the Alphabet. One of the important fields of reform, because it touches so many people at so many points, is that of language. There have been many attempts to simplify and make rational our spelling of English words, and in the first and second decades of this century it seemed as if the movement would succeed. But the actual amount of reform in this direction was very slight. There have also been several attempts to substitute a much simplified and scientifically constructed international language for the thousands of chaotic and illogical existing languages and dialects. Esperanto, the most successful of the substitute languages, has achieved a very considerable circulation, largely on the basis of artificial stimulation. But this reform could scarcely be said to have succeeded. It is, in fact, very difficult to make a success of any regimented or administratively imposed reform, unless the masses of the people are convinced of its necessity. However, such reforms do sometimes succeed, as is shown by the following account of how the Turkish government imposed the use of the Latin alphabet upon its citizens.

While such reforms as these are much less spectacular and sensational than those aiming at the abolition of poverty, bad government, and war, they are nevertheless very important. Sometimes the reform of a system of writing or the introduction of a modernized alphabet, as in China or Turkey, may have as profound ultimate effects upon a civilization or culture as the reform of a political system, or perhaps even a farther reaching effect. It may in fact be the means of bringing a people in touch with modern civilization. Therefore we present the following account of this very different reform movement, in spite of its length, as one type of non-political reform.[1]

The old Turkish writing which used the Arabic characters, though beautiful, is so foreign in appearance and so seemingly without head or tail that it is extremely

[1] Adapted from Margaret M. Wood, "Latinizing the Turkish Alphabet," *Amer. Journal of Sociology*, XXXV : 196–203 (Sept. 1929).

difficult for foreigners in Turkey to learn to read or write it. Many foreigners who have lived in Turkey for years and who have acquired a fair speaking knowledge of the language are still unable to recognize or even to spell out the names of streets, ships, stations, and so on. To travelers in Turkey the inability to read the signs has often resulted in inconvenience and a consequent feeling of irritation that has unduly accentuated the differences between them and the Turks. Signs are now comprehensible, the names of stations and of boats are easily recognized, and the traveler has an added sense of security.

Turkish grammar is difficult and even with the Latin characters learning to read Turkish fluently is no sinecure for those who do not speak the language, but the task is immeasurably easier than it was; the strangeness is gone and one no longer feels that it is an impossibility. The same holds true for the Turks, the writing of those nations using the Latin alphabet now becomes comprehensible to them and a bond of sympathy in this respect is created which did not formerly exist. How far this will go toward effacing old prejudices it is impossible to say, for an accurate, objective measure of such an influence is difficult to obtain, but to predict that it will be worthy of consideration seems conservative, for much as we may strive to be objective minded our attitudes toward other nationalities are largely determined by personal factors, and language differences between groups affect the individuals who come in contact with each other more intimately than do most other differences.

To appreciate fully just how momentous an event the change in the alphabet from the Arabic to the Latin characters has been, it is necessary to consider how deeply the old alphabet was rooted in the lives of the people from both the economic aspects and the more purely cultural aspects of art and literature. An idea of the immediate inconvenience of making such a change may be gathered when we consider the arguments offered in our own country against changing our present clumsy system of weights and measures for the infinitely more convenient and scientific metric system. The number of people and the amount of business that would be affected in the United States are of course very much greater, but whether individual for individual the difficulties of making the change would be any greater than the change in the alphabet is for the individual Turk is a question. It hardly seems that it would be, and one cannot fail to admire the willingness of the present generation of Turks to undergo the expense and the inconvenience of making such a change for the future interests of their country.

The change itself, the rapidity with which it has become an accomplished fact, and the cheerfulness with which the adjustments are being made are due in a large measure to the inspiration of the president of Turkey, Mustapha Kemal Pasha, and to the contagion of his enthusiasm for the new alphabet.

President Kemal's administration has been characterized by a national interest in education that is without precedent. President Kemal was convinced that the use of the Arabic characters was an impediment to the educational progress of the people and that a change in the alphabet was desirable, and he appointed a commission of language experts to study the problem and to recommend a new alphabet that was based on the Latin characters.

The old Arabic alphabet was complicated and difficult and the time required for children to learn to read Turkish was longer than that required for learning to read other languages using the Latin characters. Moreover, the Arabic alphabet was also an adopted one and not a natural development of the Turkish language and it is less well adapted for the expression of Turkish than is the Latin alphabet. As President Kemal expressed it: "The Turkish language has been a prisoner for

centuries and it is now casting off its chains." An alphabet that would be intelligible to the western world was also in accord with the other reforms which are being made to align the New Turkey with the family of progressive western nations rather than with her more backward oriental neighbors.

The old, discarded Arabic alphabet has nearly five hundred characters, but the new alphabet as it was finally approved has only twenty-nine. . . . That Turkish can be written successfully with these twenty-nine characters is already well demonstrated, but that the new phonetic spelling will not, as teachers have fondly believed, altogether do away with misspelling is evidenced by the various ways in which the same word may be seen spelled in the brave new signs which appeared mushroom-like over night on streets and buildings. Such differences are of minor consequence, however, and are to be expected until authority and usage have had time to standardize the spelling.

Although the reform in the alphabet, as in the case of most of the other important reforms in Turkey, began at the top with those in authority and has moved downward to the people, it has done so almost without opposition. President Kemal has been wise in his method of introducing reforms. He has not aroused antagonism by falling into the error of King Amanullah, of Afghanistan, and attempting to inaugurate reforms for which his people were totally unprepared, but he has first been careful to prepare the soil for the planting. For months before the change in the alphabet was actually made the ground was being prepared for it. The numerals were changed first, an easy transition step; the press gave a large amount of publicity to the work of the commission which was studying the problem; public speakers lectured about it, and the schools were informed concerning it so that the people were ready for the change that was coming. It did not come as a bolt out of the blue as some of King Amanullah's reforms did, although the speed with which the new alphabet has been brought into use since its adoption has been lightning-like.

As soon as the language commission were ready to recommend the new alphabet, President Kemal began enthusiastically to study and to teach it. Dolma Baghtche Palace, where he was spending his summer vacation, became a primary school where ministers of state and other high officials in Turkey learned their A B C's with the president of the republic as their teacher. Many interesting stories are told of President Kemal as a teacher of the new alphabet. Whomever he came in contact with, whether great or small, was sure to be asked if he had learned the new alphabet and to be given a lesson forthwith if he had not. He paused in the midst of a busy day to enter the schoolroom of his little adopted daughters to give a lesson on the new characters to their English instructor.

Before the Turkish Grand National Assembly had reassembled in Angora on November 1 and legally adopted the new alphabet it began coming into use. The ships were among the first to paint out the old letters and in the new, trains and trams followed, and within a few days' time new signs had appeared everywhere, sometimes printed neatly and again with shaky, uneven lettering as a child just learning to write might print. News stands on Galata Bridge and the street corners of conservative old Stamboul were flooded with paper-covered primers teaching the new alphabet and yet the supply could not keep up with the demand. Old and young, rich and poor, those who could read the old Turkish and those who could not, were eager to learn the new characters. Those who had learned became the teachers of those who had not. Turkish history has never lacked for dramatic events, but few, if any, can compare with the passing of this new kind of "sacred fire" among the people. . . .

President Kemal has realized that there must be some regrets and he has sensibly sought to offset these by popularizing the new alphabet and by introducing its use as quickly and as widely as possible, for the more rapidly the people gain a command of the new, the less time they are likely to spend in sighing for the old. Through the introduction of the Latin characters an opportunity to learn to read and write has been given to thousands of adults who had never before had this opportunity, and the added dignity and sense of achievement which comes with the ability to read and write, even if it is ever so little, have more than compensated for the superstitious dread of change that so often characterizes the uneducated peasant.

By his own example President Kemal has succeeded in making the new alphabet popular. On his return trip from Constantinople to Angora he spoke to enthusiastic audiences in Samsoun, Sivas, and other towns on his route, explaining the reason for changing the alphabet and demonstrating the ease with which it is possible to learn to read and write the new characters as compared with the old. Children can now learn to read and write in as many months as it has formerly taken them years he declared. In one of his addresses he called an illiterate peasant to the platform and in ten minutes he had taught him to write his name, to the man's great pride and joy.

Before reassembling in Angora on November 1 after the summer recess, the deputies visited their respective electorates, speaking in the interest of the new alphabet and organizing classes to study it.

The press took an active part in promoting the new alphabet. The progress being made in learning the Latin characters became the most important news item of the day; pictures of group after group of civil and military officials busily studying their A B C's were shown and also groups of humbler employees; even the prisoners in the jails were photographed intently bent over their primers.

The government has offered every facility within its means for teaching the new characters and for providing primers and other simple reading matter at a very low cost. Instruction was provided for all government employees even before the law was formally passed and the use of the new alphabet made obligatory. The opening of the schools in the fall was delayed for a few weeks in order to give time for the teachers to learn the new characters and for textbooks to be printed in them.

The law relating to the adoption of the new alphabet, which was passed by the Grand National Assembly at its first meeting after reassembling in Angora on November 1, 1928, set certain dates beyond which the use of the old writing became illegal and subject to penalties: December 1, 1928, for all newspapers, periodicals, journals, etc.; January 1, 1929, for all other works edited in Turkey, and also for all official documents of the state departments; June 1, 1929, for all civil documents such as marriage licenses, sentences of courts, etc.; and June 1, 1930, for all other documents whether of an official or of a private business nature as business records and letterheads. Thus in the brief space of five months after the language commission had recommended the new alphabet and two months after its legal adoption it was being used for all major purposes and by June 1, 1930, less than two years afterward, it is to be used exclusively. To change so thoroughly the written language of a nation of fourteen million people in the space of a few months, almost of a few weeks, is indeed an outstanding educational achievement.

The master stroke in spreading the knowledge of the new alphabet came, however, with the organization and opening of the national schools on January 1, 1929. These schools, or rather courses, are a unique and daring experiment in adult education. There are two courses, a two months' course for those who know how

to read and write the old Turkish or a foreign language and so are able to learn the new very quickly, and a four months' course for illiterates. The classes meet twice a week, those for the women in the afternoon and those for the men in the evening.

All men and women between the ages of sixteen and forty who are Turkish citizens must attend these classes unless they have already passed an examination on the new alphabet or are receiving instruction in it from other sources. Employers must send their employees or provide instruction for them. The compulsion lies in the fact that all who cannot pass the examinations at the close of the periods for which the courses are being given may be subject to fine if they have not attended the courses. In Constantinople alone nearly two hundred thousand men and women enrolled in the courses, with more women than men. The predominance of women was jokingly attributed to the fact that none of the women was willing to admit that she was over forty years old and so exempt from attending. The real reasons, however, are that many of the men are receiving their instruction outside of the classes, or, if beyond forty and not compelled to attend, have not the leisure to do so.

Most of the teachers for the courses have been recruited from the regular staff of public-school teachers for a small additional salary, and the classes are being held in the school buildings as they come at hours when these are not in use by the younger pupils. By managing in this way the courses are being given at the minimum cost. The Grand National Assembly appropriated the sum of four hundred thousand Turkish liras, which is approximately two hundred thousand American dollars, for the national schools. This is a small sum for the magnitude of the undertaking, but it was all that could be spared at the time for this work. President Kemal is the president general and principal professor of the national schools.

Brief though the courses are which these schools give, the two months' course is a sufficiently long time for those who knew the old Turkish to learn to read the new, and the four months' course will give time to teach the alphabet and the simplest rudiments of reading and writing to those who were illiterate. It can hardly do more and for many this will always be the extent of their education, but for thousands of others it will be a beginning only; for them it will be a tool to use in the gratifying of an awakened thirst for knowledge. The demand for reading material in the new Turkish is increasing rapidly and the translators are busy, not only translating the old Turkish into the new, but also translating many foreign works, and dictionaries are being compiled. Thus the diffusion of western ideas is being greatly accelerated, particularly in rural and isolated regions where there have been few or no opportunities for contact with western culture in the past, and nothing to read but the Koran for those who could read.

Through the change in the alphabet a mental jog has been given to practically every man, woman, and child in Turkey — fourteen million people — yet this is only one of a number of great sociological experiments that are in progress in Turkey today or are being anticipated, experiments that are fraught with great interest not only for the Turkish people but for the "we" groups of the western world and for her eastern neighbors.

Aids to Reform — Group Pressures. The chief aids to reform in our day of semi-democratic controls fall within the field of public opinion. Most reforms start with the arousal of public opinion with reference to some outstanding abuse. In earlier times, when the church had more

authority than now, the higher ethical insight of a progressive priesthood, and especially of prophetic leaders, could be made effective in moving powerful individuals to institute social reforms. The church still inspires personal reform in many individuals, at least on a temporary basis. It is probable, however, that very few people are able to maintain a high level of personal reform in the face of adverse social conditions which motivate them in the contrary direction. We are accustomed to look upon the reform of social institutions as a necessary prerequisite to the effective reform of personality on a large scale. Of course education and enlightenment are capable of being effective aids to reform; but their effectiveness depends in large measure upon there being an ethical slant to the education received by the people. Knowledge without an ethical or socialized orientation is quite as capable of being used for bad ends as for good ones.

When the demand for reform reaches the stage where it is supported by an organized group it has a much larger chance of succeeding. If the group is sufficiently large and powerful and determined the reform is almost certain to go through. The following Associated Press dispatch tells how Hitler was prevented by the public opinion of farmers in Germany from carrying to its ultimate conclusion the movement to replace Christianity with Neo-Paganism.[1]

> To farmers of the little state of Oldenburg belongs much of the credit for Chancellor Hitler's order to drop anti-Christian propaganda, officials indicated.
>
> When Karl Roever, Nazi provincial leader at Oldenburg, called a mass meeting of farmers some days ago to impress on them the necessity of raising more potatoes, corn, rye and other foodstuffs in line with the "new religion" based on pure Germanic ancestry and love of the soil, he was hooted down.
>
> "Restore the cross — put the crucifix back in place," the farmers cried.
>
> This incident, coupled with warnings from other rural districts that farmers disapproved of anti-Christian preachings, was said to have impressed Hitler so that he ordered ardent proponents of the new religion to desist.

The Techniques of Reform — Personality Appeal. The techniques of reform are very numerous and a proper description of them would fill a large treatise. They vary from violence, as in revolution, to logic and persuasion. We have already discussed revolution and non-violent coercion, which are two well recognized instruments of reform. The most normal process of reform runs something like the following: (1) Investigation of the situation that seems to require reform in order to ascertain just what action needs to be taken; (2) the diffusion of the facts discovered among all the people by means of education and propaganda, through the schools, churches, newspapers, radio, movies, and other publicity agencies; (3) the institution of processes of legislation,

[1] From the St. Louis *Post-Dispatch*, Dec. 16, 1936.

administration, and other methods of relief of the situation as demanded by the people; (4) revolution through violence should be the last resort, to be used in extreme cases only, by which reforms are sought.

The personal element in securing reforms, either of personalities or of institutions, is frequently very marked. Good leadership is necessary to the success of the technique of the reform processes mentioned above. On the personal side Elizabeth Fry was one of the most effective leaders of reform. Her method of working is described in the following passage.[1]

> Though her eye was ever open to discover, and her hand to relieve, all forms of sorrow, it was to the inmates of the mad-house and the penitentiary that she mainly devoted her exertions. Wonderful was her power over the insane. The keenest magnetic eye of the most experienced keeper paled and grew feeble in its sway over the raving maniac, compared with the tones of her magic voice. Equally fascinating was her influence over prisoners and felons. Many a time, in spite of the sneers of vulgar turnkeys, and the positive assurances of respectable keepers, that her purse and even her life would be at stake if she entered the wards of the prison, she boldly went in amongst the swearing, quarreling wretches, and, with the doors bolted behind her, encountered them with dignified demeanor and kindly words, that soon produced a state of order and repose which whips and chains had vainly endeavored to enforce. Possessing peculiar powers of eloquence, (why may not a woman be an "orator"?) she used to assemble the prisoners, address them in a style of charming tenderness all her own, win their assent to regulations for their conduct which she proposed, shake hands with them, give and receive a blessing, return to the keeper's room, and be received by him with almost as much astonishment and awe as Darius exhibited toward Daniel, when he emerged from the den of lions.

Use of the Press in Reform. The periodical press, especially in what was known as the muckraking era, was employed very effectively in bringing about needed reforms. The radio and the movie have never been rendered as efficient for this purpose as was the press in the first decade of the twentieth century. Even the periodical press has almost ceased to be an effective reform instrument. Those periodicals like the *Survey*, the *New Republic*, and the *Nation*, that initiate and support social reforms have very small circulations. All such avenues of publicity are now chiefly at the command of powerful forces that are for the most part opposed to reform. But it was not always so, as the following brief passage will show.[2]

> Muckraking was closely bound up with the progressive movement for reform, and . . . both movements were expressions of the attitude of the decade. It was a period not merely of bitter criticism but also of high hopes. The liberals of the

[1] Adapted from Henry B. Stanton, *Sketches of Reforms and Reformers*, 1849, p. 349.

[2] From C. C. Regier, *The Era of the Muckrakers* (University of North Carolina Press, Chapel Hill, 1932), p. 199.

period felt that they were getting results, and that they would go on getting results. It seemed as if a new Golden Age were at hand, not only for American business and government, but also for American letters and art. Much of the writing of the nineties . . . was infinitely removed from the realities of life, but the authors of the early nineteen-hundreds were eager to grapple with American problems and to find their subjects on American soil. Robert Herrick, in a series of novels on the American scene, criticized the shallowness and crassness of his contemporaries, especially the women. Theodore Dreiser was beginning his distinguished career. William Allen White's immensely popular *A Certain Rich Man* (1909), portrayed the growth of the Middle West since the Civil War, ending on a note of high optimism and ardent faith. Brand Whitlock was writing about politics; Winston Churchill shifted from historical romances to critical studies of politics, business, and the church; Edith Wharton was achieving realistic works of distinction. In American literature, especially in the novel, a new spirit was evident: a determination to utilize typically American material; a willingness to criticize unflinchingly what was unseemly in American life; a note of confidence in America's future.

Success of Reform as a Social Control. Much of this chapter has been used to show the obstacles and difficulties that stand in the way of social reform as a method of social control. It is true, of course, that reform movements are not always welcomed, as it would seem they should be. This opposition is due in part to the sincere fear that many proposed reforms will bring harmful rather than good results. As yet we have not sufficiently developed the preliminary stage of investigation as a means of getting a firm and critical basis for social reform, in order that we may avoid serious mistakes in the objectives and means of social reform. But even more frequently, personal or class interests are allowed to stand in the way of perfectly legitimate and urgently needed reforms.

Nevertheless much progress has been made in the direction of social reform, as was indicated in the two preceding chapters. Much of the fine record of achievement with respect to the needed reforms listed by Dr. Frank Parsons in 1911 (see Chapter XVII) was due undoubtedly to the period of intensive effort to create an intelligent public opinion which we have already referred to as the Muckraking Era. Publicity of social evils and of proposed remedies or reforms was more active then than ever before or since. The results of this campaign of publicity are summarized in the following passage taken from a standard authority on this subject.[1]

Such was the spirit of the age, and such was the optimism of the muckrakers, the reformers, the leaders of liberal opinion. And now we naturally ask ourselves what was accomplished by these workers, more especially, of course, by the muckrakers. We wish to know not merely what laws were passed as a result of their agitation but also what effect their exposures had on business. For it was business,

[1] From C. C. Regier, *The Era of the Muckrakers* (University of North Carolina Press, Chapel Hill, 1932), pp. 201–205.

as we have said many times, that bore the brunt of the muckraking attack. The muckrakers discovered that the great corporations were behind the corruption in municipal, state, and national politics, behind the suppression of liberal magazines, and the perversion of news, behind the pollution of foods and the misrepresentation of medicines. It was the opinion of most of the muckrakers that almost all the evils of American life were directly traceable to the aims and methods of industrialists and financiers, and it was in the hope of arousing public opinion and thus changing these aims and methods that they did their work.

It is impossible to prove that business methods were bettered in such and such a way by such and such an attack, but it is quite possible to argue that the whole tone of business in the United States was raised because of the persistent exposures of corruption and injustice. As early as 1909 John Forbes stated that in his early business career "things were done without a thought of their being wrong [in a sense] that the public would not for an instant stand for today." The Rev. Hugh Black declared in 1922, "during the sixteen years that I have been in America the whole basis of commercial morality has changed." In 1921, Dr. Frank C. Doan, comparing the public attitude a quarter-century ago with that of his own time, said that whereas old men had once advised him to rid himself of his dreams of social justice, he found intelligent men everywhere willing to listen to talk of the Sermon on the Mount and the Golden Rule. Even Charles Edward Russell, who has remained militant in his attitude, believes that business methods have been remade, that the old tactics of monopoly have been abandoned, that business has been humanized and made decent so far as that is possible under our competitive system, that there is a general interest in the conditions of labor, and that competitors are no longer put out of business without regard to law. President Wilson, in his message to Congress in January, 1914, summarized an opinion that was widely held when he said, "At last the masters of business on the great scale have begun to yield their preference and their purpose, and perhaps their judgment also, in honorable surrender." One of the most impressive statements on the subject is to be found in an article entitled "Higher Standards Developing in American Business," written by Judge Elbert H. Gary, and published in *Current History* for March, 1926. Judge Gary, after contrasting the business ethics of to-day with the practices current twenty-five years ago, writes:

"To my personal knowledge many men of big affairs have completely changed their opinions and methods concerning ethical questions in business. The majority of business men conduct operations on the basis that right is superior to might; that morality is on a par with legality and the observance of both is essential to worthy achievement. They regard employees as associates and partners instead of servants. Executives have come to understand that stockholders are entitled to any reasonable information, so that under no circumstances can there be preferential rights and opportunities. At last it has been perceived — and this belief is spreading everywhere — that destructive competition must give way to humane competition; that the Golden Rule is not an empty phrase, but a golden principle. Finally, business as a whole sees that full and prompt publicity of all facts involving the public weal, not only must be made possible, but must be insisted upon as a primary tenet of good faith."

It is something to have great industrialists and financiers rendering even lip-service to ethical principles and humane considerations.

The achievements of muckraking and the liberal movement in the field of legislative accomplishments can be more easily tabulated. The list of reforms accomplished between 1900 and 1915 is an impressive one. The convict and

peonage systems were destroyed in some states; prison reforms were undertaken; a federal pure food act was passed in 1906; child labor laws were adopted by many states; a federal employers' liability act was passed in 1906, and a second one in 1908, which was amended in 1910; forest reserves were set aside; the Newlands Act of 1902 made reclamation of millions of acres of land possible; a policy of the conservation of natural resources was followed; eight-hour laws for women were passed in some states; race-track gambling was prohibited; twenty states passed mothers' pension acts between 1908 and 1913; twenty-five states had workmen's compensation laws in 1915; a tariff commission was established in 1909, abolished in 1912, and revived in 1914; an income tax amendment was added to the Constitution; the Standard Oil and the Tobacco companies were dissolved; Niagara Falls was saved from the greed of corporations; Alaska was saved from the Guggenheims and other capitalists; and better insurance laws and packing-house laws were placed on the statute books. Some changes can be traced directly to specific muckraking articles. *Hampton's* maintained that Charles Edward Russell's articles on the Southern Pacific Railroad were instrumental in breaking the power of that corporation in California politics. Mr. Russell himself states that the articles of John L. Matthews were responsible for defeating the plans of the Water Power Trust. And it is fairly clear that it was because of Russell's articles that Trinity Church destroyed the vile and unsanitary tenements from which it had long been drawing income.

The period also witnessed a number of important changes in the machinery of government: the popular election of United States Senators, direct legislation through the initiative, referendum, and recall, direct primaries, corrupt practices acts, campaign expense laws, commission form of government for cities, and women suffrage — reforms all of which were intended to remedy the abuses pointed out by the muckrakers. William Allen White, in 1909, stated that the shackles of democracy — direct bribery, party bribery, machine rule, and unresponsive legislative control of the states — had been thrown off. The muckrakers probably deserve credit also for the introduction of congressional investigations, for the development of sociological surveys, for the devising of methods of popular exposition which the later essayists and the conservative magazines adopted, and for the destruction of the awe and reverence in which wealth had been held. *Everybody's*, in 1909, offered a somewhat exuberant summary of what had been accomplished:

"Wall Street cannot gull the public as it once did. Insurance is on a sounder basis. Banking is adding new safeguards. Advertising is nearly honest. Rebating is unsafe. Food and drug adulteration are dangerous. Human life is more respected by common carriers. The hour of the old-time political boss is struck. States and municipalities are insisting upon clean administrators. The people are naming their own candidates. Independent voters, and that means thinking men, are legion. The children are having their day in court. Protection is offered to the weak against the gambling shark and saloon. Our public resources are being conserved. The public health is being considered. New standards of life have been raised up. The money god totters. Patriotism, manhood, brotherhood are exalted. It is a new era. A new world. Good signs, don't you think? And what has brought it about? Muckraking. Bless your heart, just plain muckraking. By magazine writers and newspapers and preachers and public men and Roosevelt."

The Hopeful Side of Reform in Government. In view of the difficulties involved in social control through legislation and other forms of political action, many persons become cynical or defeatist in their

attitudes. This is perhaps one of the chief reasons why not more is accomplished in the way of reform. Other reasons are the ignorance and the indifference of the people with respect to legislative aims and methods, as we saw in the preceding chapter. It is quite evident that the masses of the people do not realize their own strength and power to achieve the reforms they desire or need. Here, as in many aspects of life, they must be educated to a higher standard of living — of civic experience and welfare interest — before they will realize their own capacities for civic enjoyment and demand their satisfaction. Thus the accomplishment of social reform depends quite as much upon the education of the masses to expect and to demand legislative and administrative performance as upon the selection of good legislators and administrative officials, although neither should be neglected. If there is any cause for cynicism regarding the future of social reform it is perhaps due more to the ignorance and indifference of the masses of citizens than to any inherent weakness in our form of government. That there is no reason for despair in this connection is the position taken by Dr. Charles Edward Merriam, one of the most outstanding political scientists of today and a man who has himself actively and successfully participated in the work of government under unfavorable conditions. His remedy is education of the public, a subject which will be discussed at length in the two following chapters. He says:[1]

> What results are attainable under present conditions? This is a question in political idealism, although I should prefer to call the actual results obtained in various governments' achievements, and to list them in the class of the possible, given all of our governmental, social, and economic background.
>
> Defeatism is responsible for much of our civic behavior. We do not know what excellence we may reasonably expect of government. For this reason it is important to consider areas and functions of government in which a high level has actually been achieved; and as far as possible to analyze the different situations from which these results emerged. In a period of cynicism regarding the possibilities of government, it is legitimate to direct attention to notable achievements. . . . The American consumer of government would unquestionably demand more excellence in government if he realized the practical possibilities under present conditions. The city manager governments, for example, often afford striking illustrations of what is feasible as things now are. . . . In the field of police administration phenomenal progress has been actually made in cities like Berkeley, Milwaukee, Cincinnati, and this may be illustrated by chapter and verse. If dirty streets may be cleaned, or if hold-ups may be prevented, or rural services improved; or if the unit costs of government may be reduced, these situations may well be made the subject of civic instruction, along with the darker side of the chamber of horrors often exhibited as if typical and unavoidable under given conditions. . . .
>
> Many of the texts fail to emphasize the achievements and possibilities in governmental operation, while strongly emphasizing the dramatic inefficiencies and

[1] Charles Edward Merriam, *Civic Education in the United States* (Charles Scribner's Sons, 1934), pp. 163–164, 166–170.

wastes of government. Mayor Walker is much better known than Mayor Hoan of Milwaukee; "Ma" Ferguson of Texas is better known than Grace Abbott of the Children's Bureau in Washington; Al Capone has had much more mention than Burnham, the author of the Chicago Plan.

I venture to suggest that a systematic effort be made to present more positively and impressively such topics as:

Personalities in American public life who have left records of achievement;

Types of services which have been rendered with distinction, as police administration in Berkeley, California, or other cities from time to time; health administration in a group of cities and in the United States; notable school government; notable park developments; notable instances of pronounced achievement;

Types of units of government in which there has been notable achievement in the jurisdiction as a whole, as towns, cities, counties, states, or other units;

Studies of political inventions and how they originate, come into operation, and how they work. Types of such inventions are city planning, city zoning, juvenile courts, forms of voting, traffic rules, model charters, and a long series of enterprises in the making of laws and policies regarding unemployment, social insurance, child welfare, public welfare. . . .

The deadliest foe of governmental advance anywhere is cynicism, which ignorantly classes all government and governors as black, without any gray or white. The strongest supporter of government is the discriminating citizen who understands what might be achieved under existing conditions. . . .

Cynicism, defeatism, discouragement loom large in the feelings of the average adult toward his government, but if, as, and when he learns the possibilities that might actually be achieved in his own day and generation, and under the system of government even as it is, he may respond to the promise spread before him.

In a still broader and larger sense, civic instruction may point to the astounding possibilities that lie in the emerging control of man over his environment and over himself, in the dramatic transition from passivity to creation and construction that characterizes modern life. Machine technology, medicine, social invention, are towering figures in this new world, and they should not be forgotten in a course of training that purports to open and equip the mind of the coming generation.

Trends in Reform. It is particularly noticeable that in our time more emphasis is placed upon social than upon personal reform. This is probably due to the fact that through the nineteenth century the improvement of personality went ahead of the improvement of society, due in part to the positive influence of science and education, and in part to the negative restraint of the very strong motives to rivalry and competition brought out by the new industrial, commercial, and financial developments in society. It appears also that the methods of securing reform have become less violent and spectacular, while the quieter methods of persuasion and intelligent discussion are largely taking their place. Investigation, education, science are now much more potent in the reform process than ever before. The educational ideal, of course, is to render legislators and citizens so well informed regarding their social problems that the enactment and execution of reforms will follow as a matter of course upon the perception of their

need. But this very desirable result cannot be achieved until some effective method of curbing predatory individual and class interests that now prevent reforms can be devised. Various proposals to this effect, such as public ownership, cooperation, the imposition of heavy taxes upon excess incomes and inheritances, taking the profits out of war, punishing bribery and corruption of public servants with death (as in Russia), and various other devices — all looking toward the supplanting of the unregulated private profit motive by the public welfare motive — have been made. This problem of control of social motivation has not yet been solved.

It is also clear that there is now a much better understanding than there ever was before of both the nature and significance of social reform for social welfare and of the reforms that are needed. Yet, in the face of this fact, there was, apparently, something of a decline in reform fervor during the third decade of the present century with a new rise of interest in the fourth decade, perhaps as the result of the prolonged depression. Yet, with this increased concern about reform, we lack some of the aids to reform that were more abundantly at the disposal of society in the first and second decades, because publicity had not then come to be so definitely controlled by interests unfriendly to reform. What the future of social reform will be will depend in large measure upon whether democracy is displaced by dictatorships on the one hand, and upon whether democracy, if it survives the crisis of its inefficiency, can develop a scientific process of social self-control, on the other hand.

STUDENT EXERCISES

1. Students should be asked to name examples of highly idealistic and of practical reformers they have known and to discuss their characteristics.
2. The personality of Charles Fourier should be studied and contrasted with that of Robert Owen as a reformer.
3. Name several great outstanding religious reformers in history and single out the traits that dominated their reform activities.
4. Do the same for several historic political reformers.
5. Make a like selection and characterization of several leading social reformers.
6. After having discussed the three types of reformers referred to above, compare the three fields of reform that they represent.
7. Frederic C. Howe's *Confessions of a Reformer* might be assigned to one or more students for analysis and discussion.
8. The same should be done with C. C. Regier's *The Era of the Muckrakers.*
9. The biographies of well known reformers are probably available in the library. These may be assigned for reading and report on such matters as (1) the personalities of the reformers and how they affected their reform work, (2) their objectives in reform, (3) the techniques of reform they used, (4) the attitude of the

public toward their reforms, and (5) what reforms were most successful and what least successful, and why this was so.

10. Donald O. Wagner's *Social Reformers* (Macmillan, 1934) is an excellent source book for thirty or more typical reformers and their reforms. Each of these may be reported on with profit by members of the class.

11. Students may be asked to make a list of the different types of reforms they have encountered in their study. A comparison of the results of these listings will be of value to the class and will also serve as an index to the thoroughness of the work of the student.

12. For standard proposals for the reform of methods of justice see such works as Reginald Heber Smith, *Justice and the Poor* and Sheldon Glueck, *Crime and Justice.*

13. For a standard treatment of the public defence of the accused, see Mayer C. Goldman, *The Public Defender.*

14. The reports of the National Conference of Social Work and of the American Prison Association may be consulted for material for reports on penal reform.

15. The same sources may be consulted for material on the reform of methods used in dealing with juvenile and first offenders.

16. Reports of the National Civil Service League may be consulted for interesting material on the work of that organization and the gradual development of the merit system.

17. Out of the many books on war some may be selected to give an understanding of the reforms that are needed in this field and the effects such reforms would have upon the welfare of society.

18. Chapters XVII–XIX of Walter E. Weyl's *The New Democracy* may be assigned for reports on specific reforms needed in a modern democracy.

19. Pages 217–266 of Jack London's *War of the Classes* may be assigned for a report on the objectives of proletarian reform.

20. One or more of the many English and American works on Drink Reform may be assigned for report in order to ascertain what this group of reformers are after.

21. Chapter XII of Wolf von Schierbrand's *Russia: Her Strength and Her Weakness* (Putnam, 1904) may be reported or assigned for general reading in order to give a composite conspectus of reform needed by a whole nation at one stage of its history.

22. These reforms may be contrasted and compared with those actually being put into effect in the Russia of today by consulting some one of the reliable current works on Russia.

23. Chapter XXIV of Charles Edward Russell's *Bare Hands and Stone Walls* (Scribner's, 1933) should be read in order to ascertain the reasons for optimism about the future of reform advanced by a veteran reformer.

24. Reports from *The Autobiography* of Lincoln Steffens will give vivid pictures of political and social reform activities and the techniques used, also reflections on causes of success and failure of reforms.

25. Reports and studies by the Human Betterment Foundation of Pasadena, California may be secured for the asking. These will give information regarding methods of carrying out needed eugenic reforms.

26. Some member of the class may be assigned to list the various aids to reforms that he may be able to discover.

27. A similar procedure may be followed with reference to the techniques of reform. These two reports should be thrown open for class discussion and additions.

28. A list of the most conspicuous successes in reforms in the history of the United States should be made.

29. A similar list of the most conspicuous failures of reforms should also be made.

30. The two lists should be compared in an endeavor to discover causes of success and failure of reforms.

31. Maurice Parmelee's *Farewell to Poverty* (John Wiley and Sons, 1935) should be reported on.

32. Jeremiah W. Jenks' *Governmental Action for Social Welfare* provides a brief statement of what all branches of the government may do for human betterment. The several chapters may be assigned for separate reports.

33. Mary Stevenson Callcott's *Principles of Social Legislation* (Macmillan, 1932) has an introductory chapter on legislative theory and technology and additional chapters on legislative reforms relating to poverty, child welfare, housing, public health, education, recreation, morals, labor, social security, etc. All of these chapters are worth reporting to the class.

34. Ernest Gordon's *The Anti-Alcohol Movement in Europe* (Revell, 1913) is a careful and well executed treatment of the many aspects of this special reform movement. It is easy to report.

35. Maud Nathan's *The Story of an Epoch-Making Movement* (Doubleday, Page, 1926) is the story of the work of the Consumer's League, a reform movement of considerable importance in the preceding generation.

36. Other worthwhile material on current social reform problems, treated from the standpoint of social control, may be found in the following volumes as indicated: Goetz A. Briefs, *The Proletariat: A Challenge to Western Civilization* (1937); Ross L. Finney, *Causes and Cures for the Social Unrest*, Ch. XII ("Some Necessary Economic Reforms"); and A. J. Todd, *Industry and Society*, Chs. XXV–XXIX. Chapter XXIX, which is a general presentation of the fields, problems, and methods of social reform, should be required reading for the class as a whole.

37. A book dealing with New Deal reforms in a somewhat distinctive way is Maxine Davis, *They Shall Not Want* (Macmillan, 1937).

38. Interesting sketches of recent women reformers are to be found in Jane Addams, *The Excellent Becomes Permanent* (Macmillan, 1932).

39. The students should be encouraged to compare the theory of proletarian reform set forth in the *Communist Manifesto* of Marx and Engles with that discussed by Jack London in this chapter.

40. "The Parole Question" by Warden Lewis E. Lawes (*Harper's Magazine*, May, 1938) may be reported as an example of reforms advocated by an expert political penologist for the selection of prisoners for parole and their supervision while on parole.

Chapter XXII

SOCIAL CONTROL BY MEANS OF EDUCATION

The Most Fundamental of the Controls. Education differs in many important respects from the other social controls discussed in this volume. It is the direct antithesis of the use of force in the management of people, to which we devoted the larger portion of Part II. It might be said that in so far as the education of the people is developed along rational lines the use of force becomes an abnormality in society. Also, there are important distinctions between education as a control and the various institutional and other direct constructive controls which we have discussed in the chapters immediately preceding. Education operates for the most part indirectly in the social control situation, while standardization, supernaturalistic and ethical appeals, law and legislation, and reform movements, function directly in the main. When education attempts to be an immediate control factor it is likely to degenerate into propaganda and is liable to fall into the hands of interested persons and groups who wish to make use of it for their own private ends. We have had occasion to review a number of cases of this sort in earlier chapters of this book.

The true function of education is to acquaint the child and the citizen with the facts and principles and practices that are most important for a desirable and socially worthwhile adjustment to their physical and human social environments, and also to instruct them in the art of the location, creation, and discovery of other facts and principles which they may find necessary for their adjustment as this method proceeds. Thus education is not itself so much an active social control process as it is the means whereby the foundation is laid upon which other rational and socially acceptable constructive controls may be built. Standardization of behavior, ethical conduct, law and legislation, beneficent social reforms, must all depend for their successful operation upon a generous fund of knowledge and habituation not only in the possession of the officials or recognized controllers of social behavior, but also in the minds of the masses of the people who are to be controlled by others or who are to regulate their own conduct intelligently. Knowledge and the power to secure and attain knowledge readily are the most important of all social control prerequisites in the modern world, if we are to dispense to a larger extent with the use

of force and fraud. It is in this sense that education is the most fundamental, as well as perhaps the most indirect, of all the social controls.

The American Emphasis upon Education. We in America have recognized more fully and earlier than other peoples this fundamental importance of education for purposes of adjustment. Our pioneer situation, bringing us as it did face to face with nature and new problems of adjustment under new conditions, caused our ancestors to rely less on traditions and customs that in large measure were not applicable to our needs, and to turn instead to new knowledge to be brought to them through research and the schools. Likewise, our rapid development of new industries based upon the exploitation of a relative abundance of natural resources and the problem of working out the details of an advanced democratic order of society in a new land without governmental and class traditions placed another heavy emphasis upon education and led to the development of an extensive school system reaching from the primary grades up to the university and the research institution. This growing emphasis upon the importance of the school is pointedly stressed by the *Report* of the Advisory Committee on Education,[1] which characterizes the school as the most important social institution after the home. This *Report* further emphasizes the fact that the schools have been compelled to expand their activities and functions remarkably with the maturing of American life in order to induct our youth into the social opportunities and responsibilities of the future. But it is not only the education and the guidance of youth that must be taken care of by the schools. Adults also require educational guidance through the political, economic, and social complexities of modern life. In the United States these needs are coming to be realized as never before in any civilization.

Education as a Constructive Democratic Tool. As was remarked above, education does not find its chief use as a direct propaganda agency in social control, but in laying the foundations for all modern self-control. It is a tool — the most powerful of all modern self-control tools — which society places in the hands of each of its members, in so far as this is possible, to enable him to understand his own and society's adjustment problems and to work intelligently and voluntarily toward an effective adjustment without compulsion or autocratic or deceptive manipulation. In so far as modern men must still be controlled undemocratically, it is in the main because either they have been denied the privilege of education of a democratic and functional type or they have failed to avail themselves of it when offered and of the democratic opportunity that it brings for social self-control.

[1] Government Printing Office, Washington, D. C., 1938, pp. 1–4.

The Three Types of Education. Historically there have been three emphases in education — the vocational; the civic, moral, and social; and the cultural. It is not possible always strictly to segregate these types of educational emphasis, but generally speaking the vocational aims at providing for the economic competence of the individual member of society; civic, moral, and social training is directed toward the production of good citizens; and the cultural has as its object the securing of more adequate personal adjustments to society. Normally, this last objective is secured by means of general rather than esoteric or ornamental cultural training. Esoteric training in the exclusive and ornamental forms of culture segregates the members of society into classes rather than unites them into a cosmopolitan whole. The educational system, or systems, of our society have not always been definitely aware of these three functions and aims of education, but none the less they have always been present from very early times.

The discussion in this chapter will follow this general division of the subject, although with some change in the order of presentation and with some expansion of the most important of these, the civic and moral phases of training. The subject matter of the chapter therefore will be seen to fall into the following major subdivisions: (1) Introductory Analysis, (2) Cultural Education, (3) Vocational Education, (4) Adult Education, which is transitional from vocational to moral and civic education, (5) Moral Education, (6) Civic Education, and (7) the School as a Social Control.

The Need to Replan Education. The content and aims of education have become much confused in our rapidly changing society. There is great need of reorientation and of a restatement of ends and aims. Because education was first afforded liberally to the leisure class there has survived into our present day schools a disproportionate emphasis upon esoteric and ornamental culture and the less valuable aspects of general culture. This fact will be illustrated in subsequent pages. Also early school education of the masses was largely in the nature of indoctrination in the beliefs the ruling classes desired them to hold rather than training for an intelligent experimental adjustment to life. One of the most difficult struggles a state controlled education has had to face has been that of eliminating this type of intellectual and emotional regimentation or indoctrination by religious, economic, and political bodies. It is a struggle that never ends, although it is not as intense in this country as in some others. In its place we need to erect an intelligent system of civic and moral training based on science rather than on dogma and partisan opinion. Vocational training is only now being advanced from the old "pick-up" and apprenticeship methods to the status of a series of school subjects. A like condition obtains

with reference to training for citizenship in our schools. Instruction in the social sciences and in the art of social self-control and self-government is still sacrificed to emphasis upon general and esoteric cultural instruction, in spite of the fact that democracy is impossible where people have not become intelligent regarding social problems and have not learned to exercise effective social and political initiative.

Preponderance of the Ornamental in Present Education. The danger of this overemphasis of the ornamental and the recreational or leisure class aspects in education, largely to the exclusion of the more practical and socially important subjects, has long been recognized, although too little has been done about it so far. One of the first great sociologists, Herbert Spencer, has vividly characterized this ornamental and non-utilitarian character of so-called cultural education. After pointing out that mankind first developed dress as a method of ornamentation and that dress still emphasizes primarily this ornamental function, he calls attention to the similar pattern of development in education.[1]

It is not a little curious that the like relations hold with the mind. Among mental as among bodily acquisitions, the ornamental comes before the useful. Not only in times past, but almost as much in our own era, that knowledge which conduces to personal well-being has been postponed to that which brings applause. In the Greek schools, music, poetry, rhetoric, and a philosophy which, until Socrates taught, had little bearing upon action, were the dominant subjects; while knowledge aiding the arts of life had a very subordinate place. And in our own universities and schools at the present moment the like antithesis holds. We are guilty of something like a platitude when we say that throughout his after-career a boy, in nine cases out of ten, applies his Latin and Greek to no practical purposes. The remark is trite that in his shop, or his office, in managing his estate or his family, in playing his part as a director of a bank or a railway, he is very little aided by this knowledge he took so many years to acquire — so little, that generally the greater part of it drops out of his memory; and if he occasionally vents a Latin quotation, or alludes to some Greek myth, it is less to throw light on the topic in hand than for the sake of effect. If we inquire what is the real motive for giving boys a classical education, we find it to be simply conformity to public opinion. Men dress their children's minds as they do their bodies, in the prevailing fashion. As the Orinoco Indian puts on his paint before leaving his hut, not with a view to any direct benefit, but because he would be ashamed to be seen without it; so, a boy's drilling in Latin and Greek is insisted on, not because of their intrinsic value, but that he may not be disgraced by being found ignorant of them — that he may have "the education of a gentleman" — the badge marking a certain social position, and bringing a consequent respect. . . .

Men who would blush if caught saying Iphige'nia instead of Iphigeni'a, or would resent as an insult any imputation of ignorance respecting the fabled labours of a fabled demi-god, show not the slightest shame in confessing that they do not know where the Eustachian tubes are, what are the actions of the spinal cord, what is the normal rate of pulsation, or how the lungs are inflated. While anxious that their

[1] From Herbert Spencer, *Education: Intellectual, Moral and Physical*, 1860, pp. 22–23, 43.

sons should be well up in the superstitions of two thousand years ago, they care not that they should be taught anything about the structure and functions of their own bodies — nay, would even disapprove such instruction. So overwhelming is the influence of established routine! So terribly in our education does the ornamental override the useful!

The Function of Science in Education for Social Control. The forms of education outlined above being the wider and undisputed function of the school in our modern complex world, the question arises as to how this three-fold task can best be fulfilled. This question really has two aspects: — (1) What knowledge is of most worth for the purpose in view, and (2) What methods will be most effective to achieve the objective determined upon. We shall attempt to answer the former of these questions first, because, sociologically speaking, it is the more important of the two. It must be clear that the old cultural subjects of the esoteric type are not of much use in securing a good functional adjustment to the modern world. But the general cultural subjects — such as history, literature, and the general sciences — which provide the individual with an adequate general knowledge of the world in which he lives and of human nature are of very great importance, if they are not pursued to the practical exclusion of the more specific fields of knowledge which provide the learner with his concrete practical adjustments to the living process. The general sciences are especially important in this connection, for they are the basis of accurate and effective knowledge about life and vocation. More and more, literature and history are being rewritten into interpretative treatises which lift them out of the category of gossip and into that of science, where they provide a portion of the data of sociology. For a long while the pure sciences were largely excluded from the content of education by the cultural subjects, but now they are beginning to assume their proper places.

A Broader Outlook upon Culture. The esoteric or ornamental view of culture has less prestige in educational and general social circles now than it formerly enjoyed. More people — educators and general citizens alike — are coming to recognize the fact that the school must help people to integrate in themselves normal adjustable personalities and teach them to live effectively in the social world in which they are placed. Many of the more progressive schools are beginning to respond to these two essential demands in a manner which indicates that culture in the narrower sense may come in time to have a more socialized significance than it has possessed formerly. Two modern educational experiments looking in this direction are presented below. The first case has to do with "Social Living" groups. The old practice of dividing English and the Social Studies into several formal subjects is

abandoned and groups are organized under a single guide-teacher to study English and civics together in the actual social life process. The method is described as follows.[1]

On entering junior high school, the pupils first learn about their new school in the Social Living group. They learn who is who, how the school is organized, and what opportunities there are for them — as members of their community and as students. The Social Living group may edit the school paper, or be the official dramatics group, or undertake other large-group activities. At the same time, the teacher of the Social Living feels a responsibility for the pupils' ability to read, to write, and to spell — in other words, to use the English language as a tool. He is also responsible for their acquaintance with history, geography, and other social-economic knowledge.

In a large junior high school, there are eight or ten such groups in each half grade. Some groups are capable of complex activities, such as those already mentioned. Other groups must be content with simpler undertakings and may, in fact, spend most of their time perfecting the tools of learning — especially reading — which they have not acquired in the grades. . . .

From the Social Living group, pupils go to a variety of more or less specialized activities: a period of physical recreation, shop (wood, electricity, auto, metal, drafting, or printing, sometimes agriculture), homemaking (foods or clothing), art, choral music, orchestra (classical or popular), mathematics, foreign language, science, and typewriting. At times some of these subjects are required of all pupils. In other grades choices are permitted.

Subject matter and its organization, as represented by Social Living and other subjects, offer one means of making the school a natural and joyous place for adolescents.

The second case has some points of resemblance to the former, but on the whole it appears to be civically more functional. Its objective is not so exclusively focussed upon the individual. More interest is manifested in the working of the wider and more abstract civic aspects of modern life. The method here described recognizes that school children are eager to learn how adults manage their civic and economic relations and are able to control social situations. Consequently, the procedure adopted is to plunge the group into some sort of complex social situation dealing with some general social problem like that of authority or the growth of frontier institutions. Pertinent readings are assigned by teachers of various subjects which have something to contribute to the project. Instructors meet with the group and answer questions. Students go to the library with other questions, with the result that they learn something about sources, methods of investigation, the relative value of methods and of data. The difficulties and the advantages of this method of instruction are summarized as follows: [2]

[1] From M. E. Herriott, "The Junior High School," *Atlantic Monthly*, CLX : 781–782 (Dec., 1937).

[2] From Katharine Taylor, "The Learning Process," *Atlantic Monthly*, CLX : 500–501 (Oct., 1937).

Complex human situations make a difficult laboratory for learning. The sequence of learning is less apparent in such a field than in mathematics, science, or a foreign language. Yet the essential elements are present. The children may be comparing the conditions of travel, employment, or community life in the time of the ancient Greeks or the time of the American pioneers with what they know of these conditions to-day. They may be trying to find out why the settlement of this continent proceeded geographically as it did. As they study these things they observe facts and find relationships. They learn a systematized technique. And there are vivid moments when concepts are unearthed, such as the influence of the character of the land in determining the life of the people upon it, or such as the idea of the heroic as it is seen in the *Iliad*, in the journal of an American family crossing the plains in a covered wagon, and in some aspect of twentieth-century life.

It is in complex human situations that a person must work throughout life. Children's learning may well be concerned, therefore, in part with the questions of how people have struggled to solve the problems of society. Such learning may help them to realize that human affairs demand much from the individual — intelligence, imagination about other people, and self-direction toward purposes beyond the self — and that as far as matters of life are concerned the evidence is never fully assembled.

General Culture through the Social Sciences. Formerly the chief sources from which general culture was to be acquired in our schools were history and literature. It is now recognized, however, that literature, as it is taught in the schools, deals too much with individual personalities — and too often with the relatively trivial and emotional elements in these personalities — to afford an adequate cultural basis for understanding and adjusting to the more urgent and consequential aspects of modern life. History also still clings very largely to the personal. Only rarely does it rise to the level of a social science, dealing constructively with the principles and trends of collective behavior. The social sciences came into existence for the purpose of acquainting men with these more objective and abstract social processes that dominate modern life quite as much as for the purpose of giving technical information in specific problems of social control. This former function of the social sciences renders them the chief modern agency in general cultural training. The Commission on the Social Studies of the American Historical Association has outlined what, in its opinion, a program of studies in the social sciences from this wider cultural standpoint should cover. Its recommendations follow:[1]

The program of social science instruction is derived in the main from the following systematic bodies of knowledge and thought: (a) physical and cultural geography, (b) economics, (c) cultural sociology, (d) political science and (e) history. . . . That program will embrace certain relevancies of knowledge, certain conceptions of human relationships and certain systems of thought.

The program of social science instruction should give knowledge and under-

[1] *Conclusions and Recommendations of the Commission* (Charles Scribner's Sons, New York, 1934), pp. 49–54.

standing concerning the earth as the physical home of man, the relation of geographic factors to the evolution of human culture, the distribution of natural resources over the globe, the struggle of individuals, groups, and nations for possession of lands, mines, and forests, and concerning the whole question of the rational use of the material endowment of the country in the planning of the economy and in the general enrichment of the common life.

The program of social science instruction should give knowledge and understanding concerning the major social processes through which the life of society has been carried on throughout all ages — the process of adjustment with the external physical world, the process of the distribution of population over the physical and cultural areas of the earth, the process of establishing value standards, the process of securing minimum adherence to value standards, the process of developing and operating the agencies of social organization, the process of cultural continuance and cultural change.

The program of social science instruction should give a broad and comprehensive conception of the evolution of civilization, laying stress on the idea of development, drawing contrasts between the present and the past, embracing the diverse contributions of races and peoples, religions and cultures, and giving a broad perspective of the fortunes, problems, and achievements of mankind.

The program of social science instruction should provide for a similar but more detailed study of the evolution of Western civilization, emphasis being placed on changing modes of production and distribution, on the succession of social systems, ways of life and ethical conceptions, on the development of democratic ideals and practices, on the accumulation and spread of knowledge and learning, on the advance of science, technology, and invention, on the abiding traditions of the unity of Western culture and on its growing integration in world culture.

The program of social science instruction should provide for a yet more detailed study of the history of the American people with particular reference to the material conquest of the continent, the development of the democratic heritage, the popular struggle for freedom and opportunity, the spread of individualistic economy, the rise of technology and industrial civilization, the increase of productivity, the emergence of an integrated economy, the growth of local, regional, and national planning and the extension of economic, political, and cultural relationships with other nations and peoples of the world.

The program of social science instruction should provide for a realistic study of the life, institutions, and cultures of the major peoples of the contemporary world, of the rivalries, the conflicts of interest, and the underlying causes of war among the nations, and of all efforts directed toward the promotion of international peace and the rational ordering of the life of mankind. In view of the growing interdependence of the nations, the increasing significance of the Far East, and the rapid development of certain newer regions, relatively more attention should be given to Latin America, to Africa and particularly to Asia.

The program of social science instruction should provide for a realistic study of the life, institutions, and culture of contemporary America. In doing this, it cannot omit study of the inefficiencies, the corruptions, the tensions, the conflicts, the contradictions and the injustices of the age, or consideration of the material and spiritual potentialities implicit in man's mastery of natural forces.

The program of social science instruction should make generous provision for the thorough and judicial study of all the great theories, philosophies, and programs, however radical or conservative they may appear, which have been designed to deal with the growing tensions and problems of industrial society.

The program of social science instruction, besides including bodies of knowledge and thought, should introduce the younger generation to *sources* for new and current materials and to *methods* of inquiry, scrutiny, criticism, authentication, and verification. Knowledge of such sources and ability to use such methods should constitute one of the major aims of all social science instruction.

The program of social science instruction should not be regarded as wholly instrumental to the induction of boys and girls into the responsibilities and duties of citizenship and social living. It should also stimulate intellectual curiosity and sympathy and foster the growth of avocational as well as practical interests. It should open up to every pupil a wide field for the delights of the eye, the heart, and the mind — for the rich and wholesome cultivation of aesthetic, emotional, and intellectual interests, appreciations, and activities.

The Specialized Function of the School. The school, least of all institutions, is an end in itself. This, however, does not mean that the school is not a normal institution in which the child should find a perfectly normal set of living experiences and achieve a normal development of his powers and faculties. The school, although artificial and supplementary to life, has become by adoption a thoroughly domesticated institution. But since people are not actually born into schools and do not usually spend the whole course of their lives there, the school must be regarded as a supplement and aid to the other institutions and processes of life in which the main functions of adjustment occur. The young train in the schools for efficiency elsewhere.

The school grew up to supplement the work of the other social institutions in preparing for life. All legitimate institutions attempt either to shape the character of the child and the adult or to guide the behavior of the individual in such a manner that he may make the most satisfactory adjustment possible to his world, that is, live the best life of which he is capable. The school is not different from other institutions in this respect, except that it more than they attempts to supplement and aid the other institutions in preparing the individual to live and in helping him live. But, since the school is a supplementary institution, its function is perhaps more to prepare the individual to live and work well than it is to furnish him a medium in which to live.

The special task of the teacher is to find the best way in which the school may perform this supplementary or artificial adjustment function. The teacher must, as far as possible, transform an artificial task into a natural process by relating the educational techniques to the natural processes of life. This must of course be done by making the actual problems and situations of life vivid and real to the child. He must be made to see these situations and problems in terms of his own needs, desires, and experiences. In that way he can be led to identify himself with social situations and to adjust himself to them.

Incentives and Educational Guidance. One method of solving this problem is to present to the student a curriculum which is so vital that it will challenge his interest. As we have already indicated, the old traditional curriculum carried too heavy a load of the purely cultural subjects and was too deeply immersed in traditional values to the exclusion of elements that satisfy the needs of modern life. In general, there are two ways of meeting this obvious need of the student of the schools for vital material to study and manipulate. The first is to modernize the curriculum, a thing we have already embarked upon. The second is to give the student an opportunity (1) to select those courses that seem most nearly to fit his needs and (2) to experiment in his educational adjustment by trying out different subjects until he finds those he wants. This, of course, involves both the elective system, and educational, and even vocational, guidance. But vocational guidance, in order to be effective, must be supplemented by vocational education. It is the vocational adjustments that make the most rigorous and telling demands upon us immediately. They have to be met from day to day, or we fail to make all other less insistent adjustments, such as the ethical, familial, political, and religious. These last may indeed be the most important in the long run, but they are not immediately the most insistent. For a long time vocational training was relatively informal, but the greater complexity of modern life has rendered it necessary to bring this aspect of education definitely into the schools.

The need for vocational education is no longer in doubt among educators. Even the most obstinate defenders of the esoteric type of cultural education freely admit it. But the form it should take is still a matter of controversy, mainly because not every one has a clear knowledge of the difficulties involved in carrying on this type of training by means of the old methods of pick-up and apprenticeship. With the admission of vocational training into the schools there has arisen a controversy as to whether instruction should be (1) general and basic in the form of the manual arts, but without specific trade or professional training, (2) specific trade and professional training alone, without a general but related cultural background training, or (3) a combination of specific trade or professional training with related and supplementary cultural instruction. The trend of opinion is steadily in the direction of the third emphasis as the one most likely to afford adequate social control over vocational efficiency and adjustment.

An Occupational Outlook and Adjustment Service. It is not enough, of course, to train young people for jobs or for professions. Some method must be found to make it possible for them to utilize this training productively. In the first place, it is important not to train

people for vocations for which there is no active demand and not to turn out too many people for the places available. In the second place, it is important to train the right people for the right vocations. This is the task primarily of vocational guidance. And, in the third place, it is necessary to provide some adequate mechanism for connecting the trained person with a position which needs him. We are working toward this last objective through the employment agencies and systems. We present below a plan for surveying vocational opportunity as a basis for educational training in vocations.[1] The other two functions are not educational and are therefore not discussed here in detail.

The great problem in the education and adjustment of youth is one of facilitating the flow of young people from the schools into the various occupations among which they should be distributed as adults. Under present conditions, attention must be concentrated upon the gap between school and work, and measures of amelioration must be concentrated upon narrowing that gap by any available means.

The problem, however, is not merely one of transferring the young person from some kind of a school to some kind of a job, with as little delay between as possible. In the later years of high school and in college, every young person should have at least a general idea of the type of occupation he will eventually be able to enter. His occupational interests should serve to give integration and reality to his educational experience. The schools should adapt their programs accordingly. Finally, when the youth leaves school, there should be appropriate facilities to assist him, not merely to find a job, but to find the right job. . . .

An occupational outlook service is needed that will provide a clear description of each of the major occupations or groups of minor occupations, the kind of life each occupation offers, the character of the preparation essential to enter it, the numbers employed and the trend of employment, the numbers of new employees taken on each year, and the numbers of youth in each year of college or secondary school preparation who have the intention of entering the occupation if possible. Such information presented in its historical, geographical, and technological setting would go far toward providing individuals with a broad objective and factual basis for making the choice of an occupation and deciding upon the kind of training to pursue. . . .

The Committee is impressed with the importance of making provision for the development of an effective occupational outlook service. It is convinced that the task can be carried on with satisfaction only by the Federal Government, although there is much need for local cooperation from industry, labor, schools and colleges, and the public employment offices. Within the Federal Government, it is apparent that the task is one in which should be utilized cooperatively the resources of a number of bureaus in several departments and independent agencies.

The facts on which an occupational outlook should be based must be assembled from many sources. . . . The task of preparing the occupational outlook would be largely one of coordination. The component elements of information must be brought together from the several agencies, and must be integrated and synthesized into a consistent pattern in consultation with them.

[1] From *Report* of the Advisory Committee on Education, 1938, pp. 104–107.

If the work of an occupational outlook service is to be carried on, definite responsibility for it must be assigned to some agency and at least a modest appropriation must be provided for the purpose. The Bureau of Labor Statistics in the Department of Labor has been carrying on closely related studies for many years and would appear to be the most appropriate agency to make long-range studies of the occupational outlook. . . . In developing and carrying on the occupational outlook service, the Bureau of Labor Statistics might well be assisted by a technical interdepartmental committee, preferably operating as a subcommittee of the Central Statistics Board.

The occupational outlook information will become useful even when available only to the extent that it is widely distributed. Careful provision should therefore be made not only for the cooperation of public employment offices and schools in collecting information, but also in adapting the general occupational outlook studies to local conditions and in bringing them to the attention of young people and others who need the information.

Increased Emphasis upon Adult Education. In recent years the growth of interest in adult education has been remarkable. This has been brought about by a number of considerations and factors. Among these the inadequate functioning of our democratic system and the increased need for specialized technical industrial training have been outstanding. The growth of unemployment, due to the severe depressions, to changes in technological conditions, and to some extent to the incompetence of large numbers of working men, has afforded increased opportunities for adult education at the same time that some of the causes of unemployment have emphasized the need.

The great increase in unemployment in recent years affords an excellent opportunity, as well as occasion, for the extension of education among men and women out of work. The government has made considerable use of this opportunity, as the following quotation will show. It is perhaps to be regretted that it has not employed this opportunity to an even greater extent, perhaps by making the giving of relief under certain conditions contingent upon the enrollment of the recipient in free adult education classes. The Advisory Committee on Education has proposed that the Federal Government should make certain grants to the State Governments for the purpose of extending the system of free adult education which it already operates. The purpose of this proposal is stated as follows.[1]

The primary purpose of the proposed grants should be to stimulate the states to make adequate provision for civic, general, and vocational part-time adult educational activities, including workers' education, citizenship classes for aliens, and the teaching of illiterates. The grants should therefore be allocated among the States in proportion to their respective adult populations. . . .

The Federal Government is at present maintaining a very extensive program of adult education through the Works Progress Administration. About 25,000

[1] From *Report* of the Advisory Committee on Education, 1938, pp. 134–136.

unemployed professional workers from relief rolls are being utilized as teachers in a program that since its inception has reached several million adults. Approximately 700,000 illiterates have learned to read and write in classes conducted by relief teachers.

The adult educational program of the Works Progress Administration has suffered from a lack of long-term planning, from frequent changes in policy, from a lack of adequately trained teachers, and from inadequate coordination with educational activities under State and local direction. These deficiencies were perhaps inevitable under the emergency which brought the program into being. Notwithstanding the deficiencies, the program has contributed a very substantial volume of educational service. It has called attention in a dramatic way to many of the inadequacies in the regularly constituted programs of education.

Adult Education through Cooperation with Agricultural Extension. Another phase of the Federal Government's effort to promote adult education along vocational and kindred lines is illustrated by what is popularly termed Agricultural Extension, or simply "Extension." This is an older educational enterprise than that described immediately above. It also is carried on in cooperation with the state governments. It has been remarkably successful in the promotion of better production methods among farmers, and also reasonably successful in stimulating cooperative marketing of agricultural products. It has also been extended from purely adult education to the home and community training of youth through the agricultural clubs, which are often sponsored and guided through the schools.

Educating the Consumer. Most vocational education has been directed toward the increase of production. This is of course very good, for any increase in the wealth of mankind should lead to a democratic increase in the comforts and welfare of all the people. But as a matter of fact it does not necessarily do so. Much depends on the distribution of the product. If this is defective or inequitable, many of the producers may be no better off than when the total product was less. If some of the product is wasted, as so often it is, no one is the better off to the extent of the waste, and some may be worse off because of the expenditure of their lost labor. Much also depends on the nature and method of consumption of the product. If it is wasted in useless expenditure for show or in riotous living instead of putting it to some higher productive use (such as self or social improvement) it might as well or better not have been produced in the first place. Large quantities of the national product go into the vices and even into criminal activities. Even more, perhaps, of the product is diverted into destructive and anti-social wars and into preparation for wars, armament races, and the like. To produce for such consumption is surely waste effort. Many also do not know how to buy in the market or how to consume for their best interests those real utilities that they

possess. Education of the consumer along all these lines, in order to correct as many abuses of consumption as possible, is therefore exceedingly important in a world that we are attempting to make rational and socially efficient.

Helping the People Think. Although the schools have made considerable, if inadequate, progress in teaching the essential facts about society through courses in civics, economics, and sociology, even more energy seems to have been expended in this direction through more popular and less formal efforts at adult education. Various types of civic clubs, many municipalities, and even the United States Bureau of Education, have in recent years developed active programs toward these ends. If this educational work still lacks much in the way of solidity and the practical aspects of follow-through impulses and methods, it is one of the most helpful indications of a possible enlightened citizenship. The following account of this work will make clear its character and proportions.[1]

There are now more than 100,000 forums and discussion groups in the United States dedicated to the inalienable right of an American citizen to hear and to be heard. The "forum movement" has become the successor to the prewar Lyceum and Chautauqua, and its influence is infinitely greater.

When the serious-minded members of a prewar American community wanted inspiration, they paid William Jennings Bryan, Russell Conwell and a galaxy of lesser orators to provide it. In these puzzling times citizens want, not inspiration, but information and a chance to discuss their problems, and they pay Boake Carter, H. V. Kaltenborn, Dorothy Thompson and a multitude of other "current events lecturers" to present the information and lead off with the talking. The Chautauqua audience heard its lecture and went home — a bit starry-eyed, perhaps — but after the speaker's presentation the forum audience stays on to argue about it.

At more formal forums, written questions are sometimes handed in and read off by the chairman. But the run-of-the-mill forum, in the question period, is an unhampered give and take between the speaker and the audience — with the chairman intervening only if the lunatic fringe threatens to get out of hand. In short, the forum-goer's inalienable right to talk back is widely and vigorously exercised.

More than 1000 Listeners' Discussion Groups have been organized around the Thursday night broadcast of the Town Meeting of the Air. Des Moines has 30 paid-speaker forums and Chicago nearly 100. The U. S. Office of Education lists 700 forums with which it is in continual contact. In addition, its own forums in the winter of 1937 held more than 10,000 meetings in 19 states. The Department of Agriculture's Farmers' Discussion Groups number close to 80,000; and the WPA and CCC are also in the discussion business. The General Federation of Women's Clubs, with 14,500 local chapters, has gone in heavily for discussion and debate. The American Association of University Women sponsors 500 current events groups. The CIO has made discussion a part of its program of unionization. Forums have become an answer to "the Sunday evening problem" in hundreds of churches.

[1] From Stanley High, "America Talks It Over," *Reader's Digest*, April, 1938, pp. 73–75.

Aside from the vast network maintained through the Department of Agriculture, a large majority of the forums in the United States are local, independent, and as diverse as the people who organize them. Thus, Chicago has an Anti-Fascist Forum; South Bend, Ind., a Taxation-Education Study Group; Lawton, N. D., a Community Panel. Long Beach, Cal., has a forum for "Exploring the Times"; Libby, Mont., a Wranglers' Club. In all these organizations, and in thousands of others, the talk is neither casual nor academic but on a substantial bread-and-butter level.

There were forums, of course, before the depression. But most of these, like the Williamstown Institute of Politics, were formed chiefly by intellectuals whose talk did not have much influence in the average community. Today, however, it is the average citizen who dominates the forum movement; the talk is the serious discussion of middle-class citizens who have been hit hard in the last ten years and who want to find out what they can do about it.

In 1937, for example, Colorado Springs discussed, among other things, "Can a Democracy Plan Its Economic Life?" "Machines: For or Against Us?" Manchester, N. H., an industrial city, discussed: "Are Craft Unions Better than Industrial Unions?" "What Has Happened to Manchester Since 1929?" Portland, Ore., talked about "Why a Hungry Nation with Too Much Food?" Chattanooga discussed the Tennessee Valley Authority; Minneapolis, Consumer Coöperatives; Monongalia County, W. Va., the Southern Sharecropper.

This down-to-earth emphasis is further indicated in a survey of 400 forums recently made by the Office of Education. "Religion in the Modern World" proved to be the poorest drawing card, with "Culture in the Modern Society" only a little better. "Social Problems," including family relationships, youth, crime and community health, ranked first, with "National Legislation" a close second and "Economic Principles and Problems" a good third.

This current American passion for information and debate is very much on the increase. During the last year the office of Dr. John W. Studebaker, U. S. Commissioner of Education, received nearly 10,000 inquiries as to how to establish a forum. Five years ago, according to Dr. Studebaker, the total would not have been more than 200. During 1936 the Office of Education, with a federal appropriation of $500,000, set up forum demonstration centers in 19 states. This year a bill is before Congress for an appropriation of $2,200,000 to extend this activity into the 29 other states.

The rapid growth of the forum movement as one of the nation's opinion-making agencies has created a lively interest in its political possibilities. Dr. Studebaker, who perhaps is the country's most effective proponent of discussion as the cure for democracy's ills, describes his program as "mass education for civic literacy" and, therefore, a proper function of the government. And despite the fact that Dr. Studebaker's office goes to great lengths to see that there is no ham-stringing in the forums for which it is responsible, the hand of the government, in a government forum, is too plain to be missed. If it does not actually pull the strings, its very practical benediction serves to add something to the articulation of the friends of the administration and to subtract something from that of its enemies.

I am certain that Dr. Studebaker has no ambition to build a machine that will serve the greater glory of the Democratic Party. But the machine which he is building — in less scrupulous hands than his — could easily become a potent political asset.

Members of Congress report that their mail is probably ten times heavier than it was a decade ago and that, in general, its intellectual average is considerably

higher. The mail of the President, in Mr. Hoover's time, was comfortably handled by two unhurried clerks. Today it requires a staff of about 20. Some of this increased articulateness is no doubt traceable to the nation's revived town meetings. I know of at least one forum in which each member pledges, upon entering the meeting, to write to the public officials who are concerned with the particular problem under discussion.

In other communities, notably Atlanta and Minneapolis, public forums have been credited with an increased turnout of voters at recent elections. Libraries, in most forum communities, report a considerable increase in the circulation of books about political and economic problems. After two years of forums in Des-Moines, the enrollment in the city's classes in adult education jumped from 397 to 5200.

Pericles stated that it was by such free discussion that Athenian democracy was established and maintained, and there is evidence that a similar practice has been the basis of all the successful democratic governments in the 23 centuries since. Discussion and debate, in a democracy, appear to be a sign of health in the body politic. Judged by that symptom, the health of the American body politic, at present, is sound and flourishing.

The Necessity for Citizenship Training. In the preceding discussion attention was concentrated upon cultural and vocational education as indirect means of social control. Adult education was considered as a form of transition to civic and social education, for while in the past adult education has been almost exclusively vocational there are now indications that it may extend markedly the civic and social aspect in order to meet the obvious needs of political and social life. We shall now present the main outlines of civic education, including moral and social education generally in their indirect social control aspects. Moral education is essentially and in many aspects logically antecedent to civic training. But since ethics is a function of civic and social adjustment generally it is only proper to consider that moral controls arise from the same sources as the political and the social. We shall therefore consider moral education as a phase of civic education, and that both these aspects of education are promoted primarily by the study of the social sciences.

It was said of old that man shall not live by bread alone. Otherwise translated and decoded of its figurative character, this old proverb signifies that the spiritual side of man must also be fostered and cared for. Applied to the field of education, it means that there must be training in the sentiments, in ethics, in community adjustment, in political and social efficiency, and in ideals generally. In this country much emphasis is still placed upon democracy and training for democracy. It is perhaps well to remember that the system of popular education was established in the United States for the express purpose of fostering and insuring an intelligent public, capable of practicing and perpetuating the democratic principles and institutions presented to

them by their early constitutional representatives. It seems to be quite certain that no type of democratic institution can survive on the basis of vocational or technical efficiency alone. Neither can democracy thrive exclusively on the basis of knowledge, even of knowledge of government and of governmental processes. There must be also a will among the people to cooperate among themselves for the promotion of the common welfare. This attitude is essentially moral and it rests upon both a knowledge of social needs and a sentiment of devotion to a common cause. That such training is properly the function of the school as well as of the home and the church there can be no reasonable doubt. Perhaps only the school has adequate facilities for giving such training in our complex society. It may be pertinent to repeat in this connection, before going on to discuss the ethical foundations of civic education as a social control, a principle advanced by the author several years ago.[1]

Vocational education alone will not lead inevitably to democracy. The most self-centered system of autocracy of industry and capital is made all the stronger and more impregnable by having each worker trained to the utmost for productive efficiency, and trained the least for independence of political and social action. There are some signs that seem to point to the fact that one or two, perhaps more, countries have been aiming in recent times at industrial efficiency but not at social efficiency for the masses. Their ideal seemed to be a sort of domestic-animal type of civilization. They would train the worker in all the tricks of his trade, so to speak, they would feed him and clothe and shelter him and insure him through all the gamut of the social insurances; but train him to be a thinking, living, discussing member of a democratic society — never. From these ideals, the net result of which would be to make of vocational training a buttress to autocracy, we must take warning. We must supplement training in the industrial vocation with training in the citizenship vocation. For our social lessons also have become too complex and involved in this much mixed and hectic world to enable us to pick up our knowledge of society and of our duties as citizens from our neighbors — especially when our nearest and most talkative neighbors are the paid writers of a partisan press. The second dimension of a democratic education also includes training in the facts of society and in methods of using these facts as the raw material of thought. Without this type of training the other may be in vain. It might even be worse than in vain.

The Social Significance of Moral Education. Fundamentally important in education for citizenship is the process of leading the child or the adult to develop as large a fund as possible of socially valuable moral ideas and sentiments. It is safe to assume that anyone who has a large stock of intelligent moral attitudes, either in the form of sentiments or ideas, is much more likely to be a good citizen than one who lacks moral idealism. It is not enough, however, to teach moral ideas in a social vacuum, any more than it is sufficient merely to engender in

[1] Adapted from L. L. Bernard, *Papers and Proceedings*, American Sociological Society, XIV: 188 (1920).

the individual good habits in general. These two procedures are good as far as they go, but they do not go far enough. There are some very orthodox religions that attempt to make moral persons out of young people in this way. They fill their memories with good abstract ethical maxims and principles and expect these to be effective in the concrete when they have specific occasion to apply them to actual situations. At the same time they drill the young in good moral habits which are effective as long as they are not confronted by new situations to which the old moral habits will not serve to adjust them. These two extreme forms of education — one in a moral vacuum and the other merely routine in character — do not make morally efficient and resourceful personalities. They do not teach persons to think morally for themselves.

The process of making moral conduct rational, as referred to in the preceding paragraph, is nothing more nor less than leading the learner to perceive in a rational way the logic or the social necessity of the behavior required by the situation. In other words, he must be brought to see the relation of his conduct to his own and to the social welfare. He must go beyond mere learning by rote and action by prescription and acquire the power of reasoning out the ethical meaning of his conduct by himself. This can be done only in so far as he is taught to understand himself and society and to perceive beforehand the moral consequences of his behavior. He must have first of all a rational devotion to personal and social welfare and secondly a power of perceiving what conduct promotes or harms such welfare. These are the moral principles which will guide his conduct in the right direction, and they must grow out of his contact with life.

Social Importance of Character Education — The Home. That such training in moral responsibility is of the greatest importance to both the individual and society there can be no doubt. Where it is present we have what we call strong moral characters, and where it is absent or inadequately developed in people their moral character is weak. Character is not born in us, nor is it a gift from heaven. It must be achieved through the hard process of learning by experience or from the experience of others. Where it is not learned life must be largely a failure. Where good character has been achieved there is at least a strong presupposition in favor of success in the best sense of the meaning of that word.

The most elementary and fundamental aspects of character and of moral idealism must be acquired through experience, because in early life there is lacking a sufficient body of already assimilated experience (apperceptive mass, the Herbartians called it) by means of which to interpret the experiences of others and thus to learn moral idealism

vicariously from them. It is only later, when we have developed a large fund of ideas, that we can do this through reading and through the school. It is because of this early limitation upon our powers of vicarious character development, that the home and family and neighborhood life are so vastly important to the moral development of the growing individual. Children who have poor home life or none at all often show a grievous lack of moral development. In the city, where neighborhood life is so largely wanting, the child also lacks certain opportunities for the best development of moral responsibility that may be obtained fairly easily in a smaller and more homogeneous community. Yet such training may be provided in the home and the community if public opinion demands it, as the following case amply testifies.[1]

Eddie Wu, aged 12, had been absent from school a week. At last the New York police found him seated quietly on a bench in Battery Park, watching ships go out to sea. In Children's Court, the judge said, "You are the first Chinese boy I have had here for 23 years." (This was in 1926 — there hasn't been a case of a truant Chinese child since.) "Why did you run away from school?"

Eddie Wu confessed: "Teacher say we all naughty boys in class. She say, 'You cause me great pain. You very bad.' So not to make her sad and suffer, I not go to school."

Here the father, who had been summoned to court, spoke to the judge. "Honorable sir," he said, "upon my own ill-mannered self is the blame for my son's misdeeds. I have not properly instructed him in the virtues of scholarship. Therefore sentence *me* to prison. I have lost much face."

The judge was astonished. Usually parents blame the teacher, the truant officer, the child's associates — anybody but themselves.

The judge suspended sentence on Eddie Wu, but the father did not. He did not speak to Eddie Wu for two months and took away all his playthings. He was not allowed to leave the house after school hours.

Juvenile delinquency in New York's Chinatown is the lowest of any area in the city — indeed, is practically nonexistent. It is likewise negligible among the Chinese in Boston, New Orleans, Chicago, San Francisco, Los Angeles.

Why? Because, when a child is naughty in Chinatown, it is always the father who is blamed. It is the father's first duty to his country, his neighbors and himself to train his children properly, and to set them the best possible example. If a Chinese child displays bad manners, the father loses face among all his family, all his friends, all his business associates. And since filial piety is taught as the first of all the virtues, the child is careful not to bring such disgrace upon his parents.

Always in Chinatown, when a group of Chinese children are playing in the streets, not far away in the background is an older person. He is watching quietly to see that the boys do not get into mischief. For the Chinese community would lose face if its children were offensive in public.

There is no [other] father in the world as proud of his family as a Chinese. One sees more fathers with their babies on the streets of Chinatown than in any other

[1] From Carl Glick, "As the Chinese Twig Is Bent," *Reader's Digest*, April, 1938, pp. 63–64 (condensed from New York *Tribune*, Feb. 6, 1938).

part of the city. Strict as is their discipline, I have been unable to find a single police-court record of Chinese parents charged with cruelty to children.

Perhaps one reason for their low delinquency rate is that Chinese children have little time in which to get into trouble. They spend practically all day at school, not only until three o'clock in the afternoon at the American school, but also from four to seven in their own Chinese school where they are taught, besides Chinese history and language, the moral precepts of Confucius and other philosophers. The good manners, and respect for the parent and the law, that originate in the home are reinforced in the Chinese school.

Despite all this, one Chinese child was arrested in New York in 1936. Mr. Wu told me about it.

"Most unfortunate," he said. "The boy was only six. His father had not properly instructed him. Playing on a roof, the boy threw a brick. It broke a barbershop window."

The proprietor, to make certain the window would be repaired, had the boy arrested. The father, of course, paid all the damages. And the case was closed, as far as the police were concerned.

Yet not quite closed. For the father had to do something to save his face.

It was a surprised barber the next week, when 50-odd Chinese from all parts of the city came to his shop seeking haircuts, whether they were in need of them or not. They were the father's cousins. He paid the bill himself. But he saved his face. So did Chinatown.

How can you expect juvenile delinquency from people who do things like that?

Character Training in the Socially Motivated School. Character training of an excellent sort may however be secured in much the same way in a socially motivated school as in family and neighborhood contacts. The Progressive Educationists, so called, have perceived this possibility and have made good use of it. Their method is to make the school as much like life as possible. They endeavor to bring the same problems as those one meets in active life into the school and thus to give to the pupil or learner that direct experience which we have already characterized as so essential to effective character building. This sort of education has become more or less of a commonplace in the schools of our time. We have selected a description of the work of a consolidated school in North Carolina to illustrate the possibilities in this connection.[1]

There are 350 students in Ellerbe's High School, and about twice as many in the lower grades. Some of them live in the little town, which has a few stores and a hosiery mill, most of them on farms as far as 17 miles from the school. This is the sand hill region, where a granulated soil eats fertilizer and turns up under the plow like dirty sugar. It is a country of open pine woods, tobacco barns, peach orchards, short-staple cotton and long-eared mules. The farmers come of old, sturdy Anglo-Saxon stock, but not all of them can read, and their houses often look as if they didn't intend to live there very long.

[1] From Robert Littell, "Ellerbe Learns by Doing," *Reader's Digest*, June, 1937, pp. 40–41 (condensed from the *Survey Graphic*, June, 1937).

Years ago, under the direction of a teacher who believed that the school should take an active part in the life of the community, the students of Ellerbe started a nursery, transplanting young trees and bushes they found in the woods. They planted hedges about the school, in time extending their landscape gardening to the town's churches, and to 250 homes in the community. Every day one can see, on the running board of a school bus (which the students drive themselves), some shrubs destined to mask in green the brick stilts that lift the farmhouses above the naked sand.

The children have complete charge of the cleanliness of grounds and classrooms. One can see groups of small figures scouring the hedges for rubbish, like squirrels after nuts. With no teacher in sight, a small boy will run ten yards to put the paper that wrapped his lunch into a trash basket. In the High School a very businesslike Inspection Committee, two girls and a boy, visits all classrooms. They peer under desks, run their fingers along moldings, and meet outside the door to compare samples of dust, if any, and give the room a mark.

The students of Ellerbe have built their own tennis court, and a log cabin; they have calcimined their classroom walls, mended their stairs, built bookcases, put in drinking fountains. The state cannot afford to do it for them, so they do it themselves, voluntarily. Every year they give the school — *their* school — about 100,000 hours of work.

When the teachers have been paid (the average salary is $800), a North Carolina school budget has very little money left for bare necessities. But the Ellerbe students have a school store, which sells stationery and candy for a profit of $35 a month, and a printshop, which nets about $60 a month. These and other activities have earned for the school almost $7000 in the last nine years — an income which has made it possible for the school to have a telephone, to get new books and bind old ones, to frame its pictures, to equip its spare but industrious workshop with tools, to put uniforms on its basketball team, and do a hundred other things which in most states are accepted items in the cost of public education.

Other Methods of Moral Training. The volume of matter that is supposed to be necessary for the school to hand over to the pupil in order to equip him properly for an effective adjustment to complex life conditions has become so great that it is no longer possible to reduce all of it to this sort of concrete and experimental form of instruction. Much the heavier load of teaching must be carried on through the abstract method of assimilating vicariously the experience of others through the printed page and the lecture, especially after the youth has achieved a sufficiently large stock of ideas to make this method effective.

However, this abstract process of teaching is being supplemented more and more by two closely related more concrete and more experimental methods. These are the project method and ethical instruction through extra-curricular activities. The former of these methods brings the problem setting definitely into the learning process and it may make use of either abstract library or concrete outdoor materials. It may be carried on wholly within school hours or it may encroach upon and identify itself with extra-curricular activities. Examples of the project

method have already been presented in this and the preceding chapters. To these examples we might add such projects in moral instruction as having students in their teens assist old people and younger students across streets; encouraging young people to make notes on street and other accidents and hold themselves ready to give testimony in courts in case of need; training the young to report violations of street and park and traffic ordinances, report conditions in public property that require remedial attention on the part of public officials, report similar conditions in private property to the owners; teaching the young the wrongfulness of bullying and to protect younger children from bullies; etc., etc.

The difficult problem of character education through the abstract methods of utilizing the experience of others, as recorded on the printed page and in formal courses of moral instruction, may also be somewhat relieved by efforts at adjusting the individual to the occupation for which he has most inclination, or for which he is best fitted. Here the emphasis is largely upon the later stages of moral and social adjustment. The fund of ethical ideas has already been largely acquired, and the work of guidance must be directed mainly to securing a satisfactory adjustment to the most favorable conditions of working and living. However, the process of vocational guidance has important character and social implications. Vocational guidance offers an excellent opportunity for moral guidance, since occupation and character are so closely related functionally. It is doubtful whether vocational guidance should ever be given without also offering moral guidance, as a means of protecting the character of the individual and the interests of society. If such opportunities for moral guidance were invariably and conscientiously utilized undoubtedly the practice of occupation would be much freer from blame than is now the case.

Training in Self-Control and Discipline. One of the most important and effective methods of character training is through the development of self-control and self-direction, as we have already indicated. We have pointed out somewhat how this may be achieved through the proper organization of the home and the school, with the various project methods and accessory elements of the latter institution. We may now take up the problem of the discipline of the school as a social control factor. The teacher occupies the place of an intellectual and moral leader rather than driver. No doubt such leadership without undue compulsion is easy when the children of the school come from fairly normal homes and are themselves reasonably normal, when they are not too numerous for some degree of individual attention to be given to them, and when the teacher is herself normal, intelligent, enthusiastic, and possessed of great energy. If any or all of these condi-

tions are lacking the problem becomes more difficult and the best intentions of moral leadership may fail of the highest results.

However, it would be a hopelessly Utopian view to imagine that all social control can be transferred to the category of self-control. The world is not yet sufficiently moral to achieve this end, however desirable it might be. Punishment, and even punishment by force, must still sometimes be applied as a social control. The fear of punishment must be engendered more frequently still. But while the necessity for punishment continues, the essential principle to be applied is that of making the punishment fit both the act and the person as far as possible and thus be the natural result of the act. As such it may best teach its lesson and have its maximum moral effect.

Education for a Democracy. We have dwelt thus long upon the process of the development of character and moral personality as a method of social control because of the great need for the discovery and standardization of ethical and social ideals in a rapidly changing society. Much, if not most, of our failure to achieve an adequately beneficent social order in this age of science is due to the lack of moral integration of personality which afflicts us. We know more about social institutions and we have developed them on the objective side to a much greater degree of perfection than ever before. But still they do not achieve their work as they should. The fault is largely subjective and ethical. If we are to improve our social system much farther we must find some method of bettering our moral outlook. This, however, is not to be achieved by returning to the guidance of traditional and outmoded metaphysical and theological dogmas, as some would have us believe. The way to an improved personal and social morality lies through an increased appeal to and utilization of science, and especially of social science on the one hand and through an ever greater employment of democratic education on the other hand. It is with this realization in mind that we may turn to a brief analysis of direct education for citizenship. The indirect training for citizenship through the process of character building discussed above is basic to the direct training. In order to render direct citizenship training effective through the school it is necessary to make the school itself democratic. On this point we quote from one of our leading educational sociologists.[1]

> While there has been no lack of discussion of education for democracy few have realized the implications and complexities of the problem. So crude is our thought upon the subject that any sort of an educational program embodying the essentials of a democratic training would be deemed visionary and radical. Nevertheless it may be worth our while to isolate some of the fundamentals and face the issues

[1] Adapted from Walter R. Smith, "The Problem of Educating a Democracy," *Papers and Proceedings*, American Sociological Society, XIV : 146–158.

suggested. To my mind there are five of these fundamental elements entering into the problem which require elucidation. . . . .

The first of these is that a democratic school environment is a necessary part of a democratic education. Publicists are generally agreed that there can be no democratic society without democratic education; but few have emphasized the counter-proposition that there can be no democratic education without a democratic society outside the schools. It would be just as futile to talk of a democratic state with an autocratic government as to expect a democratic educational system in an oligarchical society. Indeed no institution is more reciprocally bound up with the machinery and spirit of other institutions than is the school. . . . .

The second fundamental in educating a democracy is to guarantee that all shall be educated. This would seem to be axiomatic, yet prior to the last half-century few ever conceived the possibility of educating the masses. . . .

The third fundamental in educating a democracy is to see that comparatively equal educational opportunities are provided for all. This again would seem to be axiomatic, yet any sort of program by which it could be accomplished would require a revolution in both public sentiment and school expenditure. . . .

The fourth fundamental in the education of a democracy is that the type of education offered should be adapted to the nature and abilities of the individuals to be educated. . . .

The fifth fundamental in educating a democracy is that democratic methods of discipline and instruction be utilized. It would be folly to expect democratic results in a classroom with an autocratic teacher and suppliant pupils.

The Growing Demand for Civic Education. That this need for a democratic education for citizenship through the public schools is at last coming to be recognized quite generally is each year more and more evident. We hear on every side the statement that we have developed the material or physical control side of our civilization beyond the spiritual and moral or social control aspects. We are aware of the fact that we must learn to live and have our social relations as intelligently as we manage the mechanical forces at our disposal. As one writer says, "The education of the individual for himself alone has had its day. . . . Already the demand that education shall fit a youth for the general welfare or common good of a community is bringing about a reorganization of school life." [1] To these demands has been added the recognition that the best civic training involves some practice in the laboratory of civil life. These facts are well illustrated by the article by Robert Littell which follows.[2]

One reason why our government works no better is that so many otherwise good citizens refuse active participation in it on the ground that "politics is a dirty game." Taught in the schools the noble plan laid down by the founding fathers, they emerge into the world to find their government largely influenced by the spoils system, boss rule, log rolling and professional politicians.

[1] Mabel Hill, *The Teaching of Civics*, pp. 5–6.

[2] From Robert Littell, "These Schools Teach Practical Politics," *Reader's Digest*, July 1937, pp. 75–76.

I have asked scores of civics teachers what they were doing to acquaint their students with the workings of their own local government. Many said they would like to try that sort of teaching, but didn't dare. They complained that the "realistic teaching of government is resisted by politicians." In Chicago, authorities ordered civics teachers to stop an essay on the merits of the City Manager Plan.

A few schools, however, are shining examples of what can be done when civics teachers roll up their sleeves.

At New York University, students are urged to join political clubs, to become familiar with the rank and file in the organization, and to learn the details of the political bosses' careers.

In Weld, Maine, the warrant (or agenda) of the town meeting is discussed and voted on before-hand by the high school students, who later attend the meeting and compare their ideas with their parents' actions.

At the Julia Richman High School for Girls in New York, a class did propaganda for the city charter, distributing circulars in apartment houses and answering questions. They undoubtedly knew more about the charter than most of the adults whose votes brought it into effect.

In a number of towns and cities elaborate imitations of national and local elections are held simultaneously in the upper grades of the public schools. In Detroit, every pupil above the fifth grade begins studying election procedure as soon as school opens in September. Pupils register and vote, using regulation ballots, for the same candidates as their parents.

At Toledo University, the work of Professor O. Garfield Jones is said to be largely responsible for Toledo's excellent city manager government. This "laboratory work in municipal citizenship" has been going on since 1919. At the annual election, whether local or national, each student is assigned to a precinct, studies election machinery, political organization, and methods used to get voters to the polls — as well as the methods of influencing their vote. The election over, students study the city's administrative departments.

A small spark from a high school classroom started a city-wide blaze in Des Moines, Iowa. Two or three boys who were studying civics decided that the City Manager Plan would be excellent for Des Moines. With the help of a lawyer, they drew up a petition, collected signatures, and found enthusiasm for a city manager strong among their elders. The school authorities, though pleased at this spontaneous example of youthful citizenship, did not collaborate, as all the work was done out of school hours. When a coal shortage closed the school, the boys rented a downtown office and kept on. In all, 4000 signatures were secured. Des Moines hasn't got its city manager yet, but a citizens' group is actively carrying on the campaign begun by the students.

Perhaps the blue ribbon should go to Tulsa, Oklahoma. Students of the Central High School's civics course became interested in the local elections. They met the candidates, questioned them, wrote up their interviews. After graduating, many of them entered Tulsa University and eventually found themselves in the American History course conducted by Oscar W. Hoop, a retired army colonel of singular energy and courage.

One day Colonel Hoop told his class that he was going to run for Police Commissioner of Tulsa. "You will see," he said, "that what I have told you about the domination of the political machine is true. I will lose."

But his students thought differently. They started a round robin — each student to enlist 10 others in the Hoop campaign. Some of them were accomplished

speakers. They trained others and had a Hoop speaker at every precinct meeting. They went to the editor of the Tulsa *Tribune* and persuaded him to come out for Hoop. They held a monster parade through the city. Colonel Hoop, whose candidacy at first no politician had taken seriously, was elected. After his victory he was cheered on the campus as if he had been a football hero.

The tinder is there, when the civics teachers have the courage to strike the spark.

What the Universities Have Done. The colleges and universities have usually been the first of our schools to seize upon important new ideas and develop them to successful fruition. It is not surprising therefore to see these ideas and practices being first worked out successfully in these institutions. It is here that men may achieve the wider grasp of social needs and a more effective perspective upon the development and trends of civilization. And here also are trained the best teachers, ministers, political leaders and others who must assimilate and carry the ideas generated in university research into practice in more elementary educational groups, in church groups, and in social reform associations, and thus ultimately make them available for the general public as a whole. Some of the cases presented may seem to indicate that the high schools are now more active in civic instruction and civic reform organizations than are the universities. Aside from the fact that some universities and some university professors of social science tend to become highly conservative for one reason or another, the civic activities of the high schools may in general be attributed to the universities themselves, from whom the high school teachers were drawn. It is now well into the second generation since E. J. James and Albert Bushnell Hart began to teach government from the standpoint of "actual government" rather than merely as constitutional analysis. Their new venture is now taking effect upon the public schools. This work of the institutions of higher learning is described in the following passage.[1]

The awakening of the civic conscience and its immediate materialization in the movement for social betterment has nowhere functioned with more permanent interest than in the work of the college and university. Through newly developed courses in "Political and Social Science" it has been made possible for students to get a close view of the various ramifications of society. Twenty-five years ago it was almost impossible to find an opportunity in any institution of learning to investigate social activities. In no other century has it been deemed necessary or expedient for the great body of students at large to take into consideration the bases which go to make up society — the family, the home, the community, the city, the State, the Nation, each with its own several relationships with the other, and all with their connections with the evolution of civilization itself. President Woodrow Wilson well calls these essentials "the new humanities." With the introduction of a study of vital problems of the political and social order, a new interest, both

[1] From Mabel Hill, *The Teaching of Civics* (Houghton Mifflin Co., Boston, 1914), pp. 3–4.

humanitarian and philosophic, has been aroused, which exceeds any other academic interest ever presented in undergraduate work.

It matters little what a college student decides to investigate along the lines of political and social science; whatever topic he takes for his first work he finds engrossingly absorbing. It may be the labor question, yet it often ends in a minute consideration of a detail of a larger subject; immigration, for illustration, embraces many phases of national life, any one of which needs concentrated attention, such as housing, sanitation, or rapid transportation. The point is, that the moment the student finds himself at work upon some one topic of human interest, all else becomes submerged in the problem which has been offered him for solution.

Citizens' Organizations and the Civic Training of Youth. Recognition of the strategic importance of education as a social control in a democracy is evidenced by the numerous efforts which have been made by citizens' organizations to influence the teachings of the schools. Miss Bessie Louise Pierce, of the Commission on the Social Studies of the American Historical Association, has made a detailed study of these efforts by patriotic organizations, military groups, peace organizations, fraternal groups, religious and racial groups, youth movements, business and labor groups, and by prohibition and anti-prohibition groups. It will be recognized that not all of these efforts have been of equal value and some of the activities of certain of these bodies may have proceeded from inadequate conceptions of the proper objectives and methods of civic training. However that may be, it is of interest to note that such organizations have been so much concerned. Miss Pierce's findings are summarized as follows: [1]

The educational programs of the societies canvassed in this study include a wide variety of plans focused on the objective of a more intelligent citizenry and an unquestioning loyalty to country. Beyond general interest in the field of education they have embraced such major features as compulsory school attendance, illiteracy, greater pupil participation in school government, better school equipment, the support of a federal department of education, objection to the inculcation of the doctrines of a pacifistic, socialistic or Bolshevist nature in the training of youth, a careful scrutiny of the character and affiliations of the teachers employed as well as the nature of the textbooks used in the public schools. They have attempted likewise to indoctrinate pupils with a loyalty to country, which would be acceptable to them, through a study of the Constitution and other charters of Americanism and through ceremonials attesting homage to the flag. The controlling factor of many programs appears to be the desire to inspire in each individual love of country, sometimes based upon invidious comparison with other nations, an unparalleled attention to the heroic exploits and characters of history and the creation of unquestioning loyalty to governmental forms and policies. Programs to promote a belief in Prohibition or Anti-Prohibition, peace and world brotherhood, an advocacy of private or public control of public utilities, have likewise been the occasion for broadcasting messages laden with acceptable pro-

[1] Bessie Louise Pierce, *Citizens' Organizations and the Civic Training of Youth* (Charles Scribner's Sons, 1933), pp. 315–317.

nouncements of faith. In their use of the schools to carry forward their special interests, groups have attempted sometimes to effect legislation to enforce their will and have resorted to the pressure of public opinion upon the teaching personnel in order to see that there is conformance in the classroom. The school has always been considered a possession of the people, and to a considerable extent the growth of education in the United States has been made possible through the activities of the common man, whose faith in education has developed within him a keen sense of responsibility as to what his children learn and as to his own duty to bring about the results that he desires. To cast the child in the mold of the past and to shape his opinions according to his elders' prescription are by no means unnatural concomitants of the American's faith in education. . . . Because of keenness of interest and large memberships it has been inevitable that the influence of organized programs has been felt. To prophesy the results of such activities is not the purpose of this study, but directly and indirectly, programs affecting the education of the youth of this country have the opportunity to touch the lives of about 25,000,000 children in the elementary and secondary schools, besides over 2,700,000 pupils enrolled in private and parochial educational institutions.

What Shall We Teach in Civics? There are those who say that the teacher of citizenship should confine the attention of students to the good or constructive side of social life only and omit all reference to the unwholesome and anti-social aspects. If we were not faced with the problem of dealing with and controlling a large body of anti-social conduct and abnormal social organization in our society this would be sound advice. But as a matter of fact society is not perfect and if we are to live safely in our present world, or make it a more fit place for habitation and participation, we must know the evil as well as the good elements in our society. The following argument is sound on this point.[1]

In too many cases the teaching of civics has become a mere formal presentation of the organization and structure of our local, state, and federal government without indicating how selfish interests have perverted the real functions of government to serve their own ends. The workings of political machines and other interests that loot the public treasury are not discussed. The old saying "forewarned is forearmed" still holds true. Unless the student has a clear conception of the evils that are found in our government he will not be able intelligently to cope with these problems later.

Teaching about War. This principle of frankness in citizenship training applies to the problem of giving information and orientation regarding international relations as well as domestic conditions and problems. War, as we have previously emphasized, is one of the most pressing of the problems of modern civilization. It is our greatest waste of resources and of men, the greatest demoralizer of social attitudes and ideals, and the most stupendous form of exploitation left

[1] From O. Myking Mehus, "The Teacher of Social Studies," *The High School Teacher*, X : 131 (May, 1934).

in a world which in other respects has begun to repudiate the regime of force. Anyone who regards education as a legitimate and useful form of social control should recognize this fact. Education can take but one attitude toward the anti-social character of war, and that is in part the one expressed below.[1]

> We as teachers must . . . teach the truth about war. Let us remember that war is not a Sunday School picnic. The business of war is to kill human beings! Tell the cold, brutal facts about war. In the past we have glorified war. We have told about the honors won in war, but we have neglected to mention that for every Victoria Cross that has been won there must be won 10,000 wooden crosses. We have pointed out how men excel in war, but we have failed to stress the fact that to excel means to kill human beings. . . .
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> Not only should we as teachers teach the moral and physical results of war, but we should also stress the economic cost of war. We realize that today every country involved in war loses whether it wins the war or not. It is true that the profiteers in each country win, but the great mass of the people lose. Today the workingmen of all the civilized countries groan under the burdens that the last war laid upon them. They are the ones, who as President Harding said, "pay in peace and die in war." It will take the American people nearly a century to pay the cost of the war in debts and in pensions. . . .
>
> As teachers we must realize the fallacy of military preparedness as a safeguard against future wars. No less a military authority than Major General F. S. Maurice of the British General Staff said: "I went into the British Army believing that if you want peace, you must prepare for war. I believe now that if you prepare for war you will get war." . . . We ought to learn from the last war that [competitive] military preparedness is no safeguard against war. All the European nations were heavily armed, but that did not keep them out of war.
>
> Since it is evident that the prevention of war does not lie in preparedness, the question naturally arises, "How can wars be prevented?" It seems to me that the solution lies in building of friendships and mutual understandings between nations. Instead of multiplying battleships, we need to extend and organize our friendships. This can be done in the schoolroom by teaching the interdependence of all peoples. We must teach respect for, sympathy with, and understanding of other nations. Our school histories must be rewritten. We must eliminate hate and jealousy and show what other nations have contributed to make our civilization possible. We must glorify our peace heroes and stress their accomplishments. We must teach a new type of patriotism. . . .
>
> It seems to me then that our duty as teachers is clear. First, we must try to understand the underlying causes of modern war; second, we must believe that war can be eliminated; and third, we must help bring about a true internationalism. The highest honor that we can pay the Unknown Soldier is to teach the ideals for which he died and in that way help build a new civilization in which there will be no more unknown soldiers.

Freedom of Civics Teaching. Apparently a good many legislators (or perhaps the lobbyists, who promote them) fear that teachers of civics courses are radical and will attempt in some way to overthrow

[1] Adapted from O. Myking Mehus, "The Teacher and World Peace," *The American Teacher*, March, 1930.

the government or advocate doctrines that tend in that direction. As a matter of fact, teachers are perhaps more conservative than the average run of people and are so regarded by the majority of the patrons of the schools. However, considerable restrictive legislation, limiting the freedom of teachers, has been passed by state legislatures. Some states have even enacted what is known as Teachers' Loyalty Oaths legislation, which has been strongly opposed by the American Association of University Professors, a very conservative organization embracing over 13,000 college and university teachers. Even our National Congress and the District of Columbia have been troubled with this question, as the following Associated Press dispatch from Washington shows.[1]

The House decided yesterday that Washington public school teachers should be allowed to teach the facts of Communism as long as they do not advocate it.

The legislators argued for three hours about a "Red rider" which for two years has forbidden use of funds appropriated for the District of Columbia in "the payment of the salary of any person teaching or advocating Communism."

A coalition of Democrats, Republicans, Progressives and Farmer-Laborites tried unsuccessfully to pass a repeal bill offered by Kennedy (Dem.), Maryland.

The House instead adopted a proposal by McCormack (Dem.), Massachusetts which would forbid use of District appropriations "for the payment of the salary of any person advocating Communism or treating any such doctrine with favor or support."

Proponents of outright repeal contended the rider was an insult to the public school system and that no teachers in Washington ever had or ever would advocate Communism.

Importance of the Social Sciences. If the school is to be adequately socialized for the purposes of democratic social control it must give much more attention than it does at the present time to education for citizenship. The making of a good citizen is a complicated process and not all of the task falls upon the schools. But the obligation of the school in this respect is greater even than it is in the making of good workers, business men, professional men, researchers. Since good citizenship in a democracy involves first and last an adequate knowledge on the part of every citizen of the society in which he lives and functions and to which he must make his adjustments, the study of the social sciences in the schools becomes a matter of primary importance. Unquestionably these subjects have been given entirely too little importance in the public schools and the strong emphasis upon this fact stated by the late Professor Finney in the passage quoted below is entirely justified.[2]

[1] From the St. Louis *Post-Dispatch*, Feb. 9, 1937.

[2] Ross L. Finney, *Causes and Cures of the Social Unrest* (The Macmillan Co., New York, 1922), pp. 250–251. Reprinted with permission of the publishers.

To date our public schools have been well nigh failures so far as concerns training for the complex duties of citizenship. The colleges and universities alone cannot solve this problem, for the simple reason that the leaders alone, whom the colleges are supposed to train, cannot enact reforms without popular support. The people themselves must know. It is a task for distributive scholarship. Therefore we intuitively turn to the high schools. The high schools must frankly take up the task of teaching economics and sociology, lots of them, and in a form adapted to the intellects and emotions of adolescents. Social science ought to be the core of the high school curriculum. Every student with sufficient mentality to understand it should get at least four years of it. And let us say frankly that other subjects ought to give way to make at least that much room for it. What an absurdity . . . to be spending the valuable time of our high school adolescents on quadratic equations and the third declension, when they will be called upon in less than ten years to exercise intelligent judgment on the tariff question, immigration, the single tax, and a score of other problems that democracy must solve on pain of death. The public high school is the institution, and the only available institution, that we can look to for the successful performance of this great task. Only by systematic instruction of our youth in social science during the course of their high school career can the knowledge be diffused which is necessary to the solution of the social problems of the times.

The Importance of Equality of Educational Opportunity. If the school is to perform its function of socialization and civic direction adequately all members of society must have reasonable opportunities to acquire what education has to offer them through the school. Such equalization of educational opportunity has not yet been fully attained, but an honest effort is being made toward this end by many governmental and popular agencies. That the need is clearly recognized is shown by the following passage taken from a very able report which we have already quoted repeatedly.[1]

The inequalities of educational opportunity that characterize the educational system today constitute a challenge to American statesmanship. For millions of children the opportunity for anything more than a modicum of meager, formal education is largely conditioned by place of birth. In communities where the educational load is the lightest, where economic ability is the greatest, and where the cultural resources of home and community are the richest, education is supported liberally. In communities where the educational load is the heaviest, where economic resources are the most limited, where the home and community have the least to offer for the cultural and intellectual development of youth, of necessity the local support of education is far below an adequate level.

Education can be made a force to equalize the condition of men. It is no less true that it may be a force to create class, race, and sectional distinctions. The evidence indicates clearly that the schools of the United States, which have hitherto been regarded as the bulwark of democracy, may in fact become an instrument for creating those very inequalities they were designed to prevent. If, for a long period of years, each succeeding generation is drawn in disproportionately large numbers from those areas in which economic conditions are poorest, if the population reserves of the Nation continue to be recruited from economically underprivileged

[1] From *Report* of the Advisory Committee on Education, 1938, pp. 33–34.

groups, and if the inability of the depressed economic areas and groups to provide proper education for their children is not corrected by aid from areas and groups more prosperous, the effect on American civilization and on representative political institutions may be disastrous.

The Public Control of the Schools. Such broad control functions of the school as those we have outlined give to it tremendous power. Again it is opportune to remark that public education should be democratic in its character and in its control. For the public schools to fall into the hands of a special class or dictator who uses them for purposes of propaganda and indoctrination in his own favor is one of the greatest of social disasters. The inevitable result of such an event is the cutting off of the people from their chief source of sound knowledge about their own public affairs. That such an eventuality does sometimes occur is a matter of common knowledge. The proper relation between the public and its schools is stated in the following quotation from Dewey.[1]

To an extent characteristic of no other institution, save that of the state itself, the school has power to modify the social order. And under our political system, it is the right of each individual to have a voice in the making of social policies as, indeed, he has a vote in the determination of political affairs. If this be true, education is primarily a public business, and only secondarily a specialized vocation. The layman, then, will always have his right to some utterance on the operation of the public schools.

I have said "some utterance," but not "all"; for school-mastering has its own special mysteries, its own knowledge and skill into which the untrained layman cannot penetrate. We are just beginning to recognize that the school and the government have a common problem in this respect. Education and politics are two functions fundamentally controlled by public opinion. Yet the conspicuous lack of efficiency and economy in the school and in the state has quickened our recognition of a larger need for expert service. . . .

In so far as broad policies and ultimate ends affecting the welfare of all are to be determined, the public may well claim its right to settle issues by the vote or voice of majorities. But the selection and prosecution of the detailed ways and means by which the public will is to be executed efficiently must remain largely a matter of specialized and expert service. To the superior knowledge and technique required here, the public may well defer.

In the conduct of the schools, it is well for the citizens to determine the ends proper to them, and it is their privilege to judge of the efficacy of results. Upon questions that concern all the manifold details by which children are to be converted into desirable types of men and women, the expert schoolmaster should be authoritative, at least to a degree commensurate with his superior knowledge of this very complex problem. The administration of the schools, the making of the course of study, the selection of texts, the prescription of methods of teaching, these are matters with which the people, or their representatives upon boards of education, cannot deal save with danger of becoming mere meddlers.

[1] Adapted from John Dewey, *Moral Principles in Education* (Houghton Mifflin Co., Boston, 1909), pp. v–vii.

The School and Social Inventiveness. The importance of invention for economic and social progress is generally recognized. Any industrialist would defend the necessity of freedom in making new mechanical inventions in order to keep abreast of economic competition in the business world. But it is not always so apparent even to the industrialist, and much less evident to many others, that there is an equal or even a greater need for the invention of new and better political and social welfare procedures. Our personal affections and interests become tied up with the old social forms and alliances and it is difficult to break with them, even when the social advantage is clearly on the side of doing so. This is a situation in which the schools can be of help by familiarizing the young with the importance in history of the new social and political, as well as the new mechanical and chemical, inventions in the transformation of society to higher cultural levels. Dr. Charles A. Beard, one of the leading social scientists of the present day, recommends that great stress be laid upon inventiveness in social education, in order to counteract the inertia which predisposes to regimentation. He says:[1]

> The great mass of the people, rich or poor, do not invent anything, do not conceive of any new ideas, do not desire to depart far from a commonplace routine in life. Every great invention, every work of art, every beneficent reform originates in the brain of some individual — or at best a small group of individuals, and often has to make its way against popular hostility. A civilization that does not have leaders to point out new paths, to explore untried regions, sinks into stagnation. Perhaps more than any other form of government, democracy depends upon leadership to formulate, propose, advocate, dare, and direct. Hence it is one of the inescapable duties of teachers in social science to discover, draw forth, and inspire students with capacity for leadership and creative work. From this source comes the continuous renewal that gives freshness and vigor to civilization.
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> This point can scarcely be overemphasized. Practically all systems of civic training lay stress on conformity, discipline, regimentation. To a considerable extent they must do so to survive; but in this development there is a tendency to lose sight of the fact that the cultivation of independence in judgment among citizens is also necessary to survival. This is not merely in the interest of the individual himself; it redounds in the long run to the interest of the group. In the social world no less than in the biological world, adaptation is indispensable to success in the struggle for existence, and groups in which complete and rigid conformity has been attained are often not as strong as groups in which the faculty of criticism is cultivated and exercised. Particularly is this true in our technological age when new inventions are constantly introducing novel factors into the social scene, forcing readjustments in productive and distributive processes, and indicating lines of more efficient performance. There are times, of course, as Milton warned us long ago, when the emphasis must be laid on order and conformity, and there are others when the emphasis must be shifted to liberty and independence of judgment. Recognition of this truth must find its expression in any well-rounded program of social studies.

[1] Charles A. Beard, *A Charter for the Social Sciences* (Charles Scribner's Sons, 1932), pp. 110–112.

We lay stress, therefore, on the importance of inventiveness and adaptability as a desirable outcome of social education. Particularly is this true in the field of government which is far more rigid and traditional than industry. The ideology which surrounds political institutions generally runs against the notion that social inventiveness is an essential quality of the good citizen. It sanctions the transmission of achievements already accomplished and attempts to stamp them as stereotypes good for all time. For example, one of our states forbids by law anyone to propose changes in the form of government, and some of our criminal syndicalism statutes, perhaps unintentionally, formerly went so far as to penalize all social inventiveness in government. And, it is strange to relate, many citizens of scientific training who recognize the folly of attempting to prescribe by law for all time the proper organization of industry, transportation, and communication are found insisting upon perfect rigidity in political institutions. For these and other reasons a program of social studies must reassert the significance of criticism and inventiveness as a potent force for progress and a condition precedent to survival.

Progress in the Schools. The necessity for progress in the school administration and in the content of the curriculum and in the methods of teaching is sufficiently obvious. It is a constantly recurring obligation which presents itself to school board, superintendent, principals, and teachers alike. Only when and where this demand for better methods and results is honestly met is the school an efficient educational institution.[1]

Educational officials are ever facing the possibility of new discoveries, new demands, and new requirements, which they are bound to treat with care and consideration. They cannot merely provide what is necessary to-day, but must think of to-morrow and the next day, and even the next year. They must not turn a deaf ear to those prophets of change and reform whose declarations point to new adjustments and still wider circles of school endeavor. The school superintendent may comfort himself with the assurance that the social economist is really blazing the way for his own work, and that, according to the laws of social progress, many influences are working day and night toward human betterment and social advance. The complaint that the schools are asked to assume a too parental attitude, and to enter upon undertakings which belong to the home, is not valid. The real question is, — Can the schools perform the desired service for the community better than any other agency and at the same time not go outside of the true province of education?

Difficulty of Educational Reform. This problem of educational improvement is not, however, one that is easily solved. Many obstacles confuse it. There are special interests — economic, religious, and class — and many prejudices that oppose it. With these we have already dealt in various chapters of this book. Other obstacles to educational reform are stated in the passage that follows.[2]

[1] Adapted from S. T. Dutton and David Snedden, *The Administration of Public Education in the United States* (Macmillan Co., New York, 1912), pp. 561–562. Reprinted by permission of the publishers.

[2] From Chas. H Judd, *The Evolution of a Democratic School System* (Houghton Mifflin Co., Boston, 1918), pp. 108–109.

There is no problem more difficult of solution by a democratic community than the problem of putting through a reform. Powerful individuals can work reforms by the exercise of authority or influence because the goal of the proposed reform is clearly seen and the means of reform are energetically used. The fact is that in most cases democratic society depends on strong individuals to initiate and carry out reforms.

How much reforms depend on individuals is not always realized because the immediate instrument of educational reform is often a textbook rather than an explicit declaration of purpose to make a change in the course of study. Again and again in the history of American schools sweeping reforms have been effected by writers of textbooks. Conversely, a book once established in the schools is the strongest possible stronghold of conservatism. A successful book will sometimes keep back reform for a generation.

Summary and Conclusion. Education is a special kind of social control, more fundamental and more indirect in its operation than the other constructive social controls that have been treated in this volume. Education itself is of three main types: vocational, civic, and cultural (general and esoteric). Only the general cultural is socially significant as a form of cultural education, and of this type general or pure science is the most important subject matter. Vocational education becomes of increasing importance, especially on its formal or school side, as our material civilization comes to be increasingly complex. Not less important is education for citizenship, especially since our controls over mechanical processes are much further developed than those over social adjustments. At the present time the most strategic approach toward civic education is through character training and moral instruction, because the rapid social change that has occurred since the beginning of the Industrial Revolution, and in some degree since the age of voyage and discovery, has disturbed many of our ethical principles. However, direct civic education for effective participation in citizenship activities, for the revision and improvement and maintenance of an efficient democratic system of government, and for the intelligent promotion of social welfare is also of very great importance. In order to make this type of education as effective as it should be we need greater freedom of teaching on the one hand and further reform of our educational curriculum and methods on the other hand. Perhaps the new ventures in purposive socialized education in Mexico, Czechoslovakia (before the German conquest), Russia, and elsewhere, seeking to make the schools leading instruments in setting up a constructive national social reform program, may point the way to the largest utilization of the schools in the service of genuine social progress. Obviously there are great dangers in using the schools as a means to put over a social program, but it is a danger that we can scarcely avoid. Reactionary social programs can also be fostered in this same manner,

as indeed they are in some of the European countries at the present time. There are many who think that both school and church should teach their respective fundamentals and let current controversial aspects alone, lest these institutions should be perverted to the service of bad ends. This point of view assumes that those who control our political systems cannot be trusted, and this may be true. But others maintain that if the schools and the churches had done their duty by the present and the future we should have been governed by men of social understanding and wisdom and that we should not be threatened with the danger of the manipulation of our schools for unworthy ends. It is an interesting question.

STUDENT EXERCISES

1. F. G. Bonser's *The Elementary School Curriculum* (Macmillan Co., New York) contains some valuable orienting chapters on the aims of education in relation to the curriculum, the periods of education in relation to life purposes, and the emergence of the curriculum from life activities. Later works may be substituted if available.

2. Bonser's Ch. II deals specifically with the "General Mental Content Which Determines or Controls Conduct." It may seem advisable to assign this or a similar chapter in some other work to the class as a whole.

3. Harold Benjamin (Ed.), *Education for Social Control* (1935), contains much material of first rate importance for this and the following chapter. The same is true of G. S. Counts, *The Social Foundations of Education.*

4. For further discussion of the types of education see L. L. Bernard in *Papers and Proceedings* of the American Sociological Society, Vol. XIV, pp. 185–188 (1920).

5. For a distinction between the general and esoteric cultural emphasis in education see the same article.

6. Excellent material bearing on many of the topics discussed in this chapter is to be found in the *Report* of the Advisory Committee on Education already referred to in the text. Some of the more important discussions are as follows:

(1) Inequality of Educational Opportunity, pp. 19–34.
(2) The National Interest in Education, pp. 35–46.
(3) Opportunity in the Public Schools, pp. 47–95.
(4) Vocational Guidance, Counseling, and Placement, pp. 107–111.
(5) Vocational Training in Industry, pp. 111–114.
(6) Work Camps and Work Projects, pp. 115–126.
(7) An Integrated Program of Youth-Serving Activities, pp. 127–129.
(8) Educational Services for Adults, pp. 133–137.
(9) Library Services for Rural Areas, pp. 138–141.
(10) Vocational Rehabilitation of the Physically Disabled, pp. 158–161.
(11) Educational Research, Planning, and Leadership, pp. 180–193.

7. Three easily available articles in the *Atlantic Monthly* excellent for reports on experiments in the widening of the cultural curriculum of the modern school are: "The Learning Process," by Katharine Taylor (Oct., 1937); "The Junior High School," by M. E. Herriott (Dec., 1937); "The Graduate Approach in an Undergraduate College," by Constance Warren (June, 1938).

8. A clever article on the use of play time in school for wider cultural purposes is "Staying After School for Fun," by Robert Littell, *Reader's Digest*, Oct., 1937.

9. Edwin G. Cooley's *Vocational Education in Europe*, or some other similar work, may be reported entire and discussed.

10. For good statements of methods of the socialization of rural schools see Mabel Carney, *Country Life and the Country School*, pp. 133–136, and E. P. Cubberley, *Rural Life and Education*, pp. 174–175.

11. The same plan may be followed with F. M. Leavitt's *Examples of Industrial Education*, or other work covering similar ground.

12. Some book on vocational and moral guidance (such as Jesse Buttrick Davis, *Vocational and Moral Guidance*), taking a sociological point of view, should be reported and discussed.

13. A work on play in education should also be assigned for reports. For example, Joseph Lee, *Play in Education*, or books by H. S. Curtis.

14. The project work carried on by Ellsworth Collings, as reported in his *An Experiment with a Project Curriculum* (Macmillan Co., New York) will provide excellent material for reports and discussion.

15. A source bearing on the use of the project method in specific situations may be found in Margaret Elizabeth Wells' *A Project Curriculum* (J. B. Lippincott Co., Philadelphia).

16. More general discussions of the function of the project method may be found in F. G. Bonser's *The Elementary School Curriculum*, Chapters VI and VII, or in some other book of similar character. Such material is now abundant.

17. Works on extra-curricular activities should also be consulted and reported. J. Roemer and C. F. Allen's *Extra-Curricular Activities in Junior and Senior High Schools* (D. C. Heath and Co., Boston), if available, will be adequate for this purpose.

18. An excellent statement on the function of science in education for social control may be found in Herbert Spencer's *Education*, pp. 52–54, and 93–95.

19. David Snedden's *Sociological Determination of Objectives in Education* (J. B. Lippincott Co., Philadelphia) should be consulted for a full general discussion of this subject.

20. An excellent article on "Education and National Consumption," by Hazel Kirk, is to be found in the *Journal of Educational Sociology*, IV: 14–19 (Sept., 1930).

21. For an adequate statement of the American ideal regarding public education see Ellwood P. Cubberley, *Public Education in the United States* (Houghton Mifflin Co., Boston), especially pp. 502–504.

22. The same volume may be consulted for reports on (1) the struggle for democracy in education, (2) the effort to make education meet the needs of adjustment to life conditions. Other works on the history of education may be substituted.

23. Herbert Spencer's work on *Education* should be used as the basis of a report on the question of what should be taught in the schools (what knowledge is of most value).

24. Compare Spencer's findings with those of Snedden as stated in *Sociological Determination of Objectives in Education*, or with some other standard treatment of the same field.

25. Have one or more students report on some standard work on character training in the schools.

26. Dewey's *Moral Principles in Education* may be studied for its suggestions relative to the chief ends and means to be sought in moral education.

27. C. C. Peters' *Objectives and Procedures in Civic Education*, or some other work on this subject, should be used as the basis of a report or of reports on the subject matter and methods that should be used in citizenship training. There are now several good books in this field, any one of which may be used.

28. Have some student report on Spencer's theory of natural punishments (Chapter III of his *Education*).

29. The whole of Walter R. Smith's paper on "The Problem of Educating a Democracy" (referred to in the text) should be reported to the class by some student.

30. Selected chapters of Cope's *Religious Education in the Family*, or of some similar work, may be reported and discussed by the class.

31. Compare Henry F. Cope's discussion of social training in the home (*Religious Education in the Family*, pp. 91–94) with the case of Eddie Wu presented in the text.

32. Jeremiah Bentham (*Theory of Legislation*, Atkinson's Ed., 1914, Vol. II, pp. 303–304) describes a socially motivated school of the eighteenth century in Paris which is worthy of comparison with the Ellerbe school. What dissimilarities between the two schools due to differences of time, place, and cultural patterns may be observed?

33. For a discussion of the relation of propaganda and education and for some distinctions to be made between the two see an article entitled "Education and Propaganda" by Carl Joachim Friedrich in the *Atlantic Monthly*, June, 1937, pp. 693–701.

34. When and in what connections is it proper to employ propaganda in the school room? When and for what purposes is it not proper to make use of propaganda?

35. "Teachers and Controversial Questions," by Alexander Meiklejohn (*Harper's Magazine*, June, 1938, pp. 15–20) might well be assigned to the class as a whole if there is time for the assignment. If there is not sufficient time it should be reported to the class.

36. The small volume entitled *The Teaching of Civics*, by Mabel Hill, should be consulted freely for designated emphases in civic education and its points of view discussed by the class.

37. The point of view of J. W. Patterson as expressed in his article on "Political Education" in *Lectures and Journal of Proceedings* of the American Institute of Instruction, Boston, 1882, pp. 58–62, should be compared with the points of view generally expressed in the literature on civic teaching of the present time. What are the major divergences of emphases? How can Patterson's point of view be explained?

38. What seem to be the most significant present trends in civic education? What has given rise to these trends?

39. What did President C. W. Eliot consider the problems of educational reform in his day? See his *Educational Reform* (Century Co., 1898).

40. Compare this statement with later programs for educational reform. What changes in outlook are to be noted? To what are these changes in outlook to be attributed?

41. The report on *Christian Education in China* of the Committee of Reference and Counsel of the Foreign Missions Conference of North America (New York, 1922) should be consulted as a detailed group of proposals for the use of education as a social control in civilization building.

42. John Dewey's *Democracy and Education* should be consulted and reported.

43. The whole of President Mehus' article "The Teacher and World Peace" may be read and reported with profit. Novikow's *War and Its Alleged Benefits* affords further information along this line.

44. Hugh Hartshorne and Mark May's *Studies in Deceit* should be studied and reported with respect to the question as to whether general or specific moral training is the more effective in ethical education. This is an old question and it is generally accepted by educators trained in psychological principles that specific instruction is by far the most effective, but in this book will be found the evidence to support this view.

45. Reports on national attempts to use the public school system for the promotion of constructive social programs may be made on the basis of G. S. Counts, *The Soviet Challenge to America;* George I. Sanchez, *Mexico: A Revolution by Education;* and Francis H. Stuerm, *Training in Democracy: The New Schools of Czechoslovakia.*

46. Consult the files of the progressive educational journal, *The Social Frontier,* covering the years 1936–1938, for discussions of the question of whether the schools should avoid all controversial questions or lend their aid, even through propaganda in certain cases, in support of the general public interest. A report to the class on this controversy is desirable.

47. Chapters XVI and XVII ("The New Education" and "The Need for Social Science") in Ross L. Finney's *Causes and Cures for the Social Unrest* (Macmillan Co., New York) should be read, preferably by the class as a whole. The same may be said of A. J. Todd's *Industry and Society* (Henry Holt, New York).

48. Discuss the following statement made by Charles Edward Merriam in his study of *Civic Education in the United States:* "The alternative to enlightened civic education is a program of power and violence with unwelcome forms of coercion and restraint" (p. x).

49. Discuss the following statement by the same author: "It is important that civic education should include some understanding of the new techniques of political power in the modern world. Among these are propaganda, mass organization, and manipulation; symbolism; political psychology; and civic education itself. Without an understanding of these mechanisms the political world of today will seem foggy to the observer and the participant" (p. xiv).

50. Compare the description of the functioning of our government which you studied in your civics course with the cases of governmental corruption presented in the present volume. Is the following statement by Merriam true in your case: "There is a wide gap in many instances between the formal knowledge in the books and the informal government under which we live — a gap so wide that book information is often thrown aside later as wholly useless" (*loc. cit.*, p. xiv). What are the dangers of this unrealistic approach to civic training? How may they be avoided? Does an unflinching facing of the facts necessarily result in cynicism and defeatism? How may defeatism be counteracted?

51. Five articles dealing with methods of education for national ends in Russia, Germany, England, Denmark, and Mexico are to be found in Harold Benjamin (Ed.), *Education for Social Control,* pp. 140–189. These should either be read by the class as a whole or reported to the class by individual students.

52. Another article that should be brought to the attention of the class in a similar manner is "Forces That Control the Schools," by Howard K. Beale (*Harper's Magazine,* Oct., 1934, pp. 603–615).

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